

hereafter provided by law for district attorneys in districts containing two or more counties; enacting the necessary provisions in reference to an assistant district attorney for said district and his compensation; making provision for all other things necessary and incidental to the main purpose of this Act; and declaring an emergency"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Price, Chairman; Reid, McFarlane, Hall.

EIGHTEENTH DAY.

Senate Chamber,
Austin, Texas,
June 3, 1927.

The Senate met at 10:00 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

Prayer by the Chaplain.

Pending the reading the the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

Simple Resolution No. 31.

Senator Fairchild sent up the following resolution:

Whereas, The right of petition is granted under the Constitution of this State to every one including the State Senate; and,

Whereas, The demands and needs of the State in connection with public education are very great; and,

Whereas, Present sources of revenues are not adequate to supply the money needed for rural schools of this State and in many instances the terms of said schools are less than six months and they should be at least nine months in each year; and,

Whereas, The records of the Comptroller's office now disclose that 5500 prescription books were furnished the various physicians of this state for the purpose of writing whiskey prescriptions for their patients throughout the State; and,

Whereas, Each prescription book contains 100 prescriptions, making a total of 550,000 prescriptions written by the various doctors writing such prescriptions for their patients over a period of twelve months beginning January 1, 1926, and ending December 31, 1926, making a total of 500,000 pints sold for medicinal purposes during a period of one year; and,

Whereas, There is now no State tax on these liquid goods; and,

Whereas, The Senate has no desire or intention of violating the Constitution and initiating legislation in the Senate for revenue purposes, but on the other hand desires that such legislature take the proper course as outlined in the State Constitution and be introduced and initiated in the House of Representatives; and,

Whereas, The Senate conceives it to be its privilege to ask for the submission and introduction of a revenue measure in the proper and orderly way as authorized by our Constitution knowing that ultimately the Senate would be called upon to vote on such a measure, but that such vote and consideration would only occur after the measure has been introduced in the House of Representatives and came to the Senate from that body;

Now, therefore be it Resolved by the Senate of the State of Texas: That the Texas Senate goes on record as desiring that the Governor submit to the Legislature the sub-

ject of a proper tax to be levied by the State of Texas on each sale of prescription whiskey and that such a measure be introduced in the House of Representatives so that the same may be enacted into law in the manner as provided in the Constitution; and further recommends that proper action be taken to reduce the price of prescription whiskey if such a reduction is deemed to be proper, and that all the revenues derived from this source be appropriated to the schools of Texas. The Senate recommends that the Governor submit this question as soon as possible so that the same may receive early consideration; Provided, however, that the Senate is in no way committing itself as to how it will vote or act on any particular measure that might be introduced in the Legislature.

The resolution was read.

Senator Love moved to table the resolution.

The motion prevailed by the following vote:

Yeas—19.

Bailey.	Reid.
Berkeley.	Smith.
Bledsoe.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Witt.
Moore.	Wood.
Pollard.	Woodward.
Real.	

Nays—7.

Bowers.	Miller.
Fairchild.	Parr.
Floyd.	Russek.
Hall.	

Absent.

Greer	Price.
Hardin.	Wirtz.
Neal.	

Senate Concurrent Resolution No. 5.

Senator Witt sent up the following resolution:

Whereas, On the day of February, 1834, the Republic of Mexico granted to Joaquin Moreno, a citizen of said Republic, eleven leagues of land situated on the East Bank of the Brazos River, in what is now Mc-

Lennan and Hill Counties, and issued its patent of title papers vesting the title to said lands in said Joaquin Moreno, and

Whereas, Said title to said eleven league grant was by mense conveyances conveyed from said Moreno to Jose Pablo del Rio, and Gregorie Jose del Rio, two brothers, both citizens of Mexico, residing at Mexico City, both of whom are now dead and are now represented by their legal heirs who are also citizens of the Republic of Mexico, and

Whereas, On the 2nd. day of March, 1835, the people living within the boundaries of what is now known as the State of Texas, declared their Independence of and from the Republic of Mexico, thereafter about 1845, the Republic of Texas, which has existed from 1836 to 1845, became a part of the Republic of the United States of America, and is now a part of said Republic, and

Whereas, The State of Texas refusing to recognize the eleven leagues of land as private property but declared same to be public land and at various times issued to citizens of Texas patents to approximately thirty thousand acres and about 1870, by an Act of the Legislature, set apart the remainder of said eleven leagues as University lands and at various times since said date issued to sundry persons patents to all of said University lands, and the State of Texas placed into possession the various persons holding such titles, the respective tracts of land covered by the patents so issued by the State of Texas, all of said tracts of land have continued for such time and in such manner as to give them the right to hold said lands by limitation as provided by the Statutory laws of the State of Texas, and

Whereas, The heirs of said del Rio Brothers referred to above have requested of this Legislature permission to sue the State of Texas in the State Courts, for the value of said eleven leagues of land by reason of the facts that the State of Texas had appropriated said lands to its own use and benefit.

Therefore, Be it resolved by the Legislature of Texas, that such request be, and the same is hereby refused.

The resolution was read and adopted.

House Bill No. 6.

Senator Parr moved to reconsider the vote by which the Senate voted to set H. B. No. 6 as special order for 2 o'clock p. m.

The motion prevailed by the following vote:

Yeas—15.

Bailey.	Parr.
Berkeley.	Russek.
Bledsoe.	Stuart.
Bowers.	Ward.
Fairchild.	Westbrook.
Hardin.	Wirtz.
Holbrook.	Woodward.
Miller.	

Nays—11.

Hall.	Reid.
Lewis.	Smith.
Love.	Triplett.
McFarlane.	Witt.
Pollard.	Wood.
Real.	

Absent.

Floyd.	Neal.
Greer.	Price.
Moore.	

The question recurred upon Senator Pollard's motion to set H. B. No. 6 as special order for 2 o'clock p. m.

Unveiling of Picture.

At 11 o'clock a. m., the Chair announced that the hour had arrived for the unveiling of the picture of General John A. Hulen. The Chair appointed Senators Hall, Bailey, and Holbrook to escort General Hulen and his staff to the platform.

The Chair introduced Senator Hall who introduced Lieutenant-Colonel George D. Sears of Houston who briefly addressed the Senate and presented the picture to the State.

Lieutenant Governor Barry Miller introduced Governor Dan Moody who accepted the picture on behalf of the State.

Lieutenant Governor Miller then presented General Hulen.

Bills Signed.

The Chair, Lieutenant Governor Miller, gave notice of signing, and

did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 66.

H. B. No. 63.

Senate Bill No. 79.

The Chair laid before the Senate on third reading the following bill:

S. B. No. 79, A bill to be entitled "An Act to create Road District Number One (1) in San Patricio County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization, issuance and sale of certain road bonds thereof, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said road district; approving and validating all orders of the commissioners' court of said county in respect of said road district, bonds and taxes, and certified copies thereof, and constituting such orders and certified copies thereof legal evidence; evidencing proof of publication of constitutional notice required in such acts; and declaring an emergency."

The bill was read third time and passed finally by the following vote:

Yeas—31.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

Senate Bill No. 80.

The Chair laid before the Senate on third reading the following bill:

S. B. No. 80, A bill to be entitled "An Act to create Road District Number Two (2) in San Patricio County, Texas, validating and approving all

orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization, issuance and sale of certain road bonds thereof and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said road district; approving and validating all orders of the commissioners' court of said county in respect of said road district, bonds and taxes, and certified copies thereof, and constituting such orders and certified copies thereof legal evidence; evidencing proof of publication of constitutional notice required in such acts; and declaring an emergency."

The bill was passed finally by the following vote:

Yeas—31.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

Senate Bill No. 81.

The Chair laid before the Senate on third reading the following bill:

S. B. No. 81, A bill to be entitled "An Act to create Road District Number Four (4) in San Patricio County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization, issuance and sale of certain road bonds thereof, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said road district; approving and validating all orders of the commissioners' court of said county in respect of said road district, bonds and taxes, and certified copies thereof, and constituting such orders and certified

copies thereof legal evidence; evidencing proof of publication of constitutional notice required in such acts; and declaring an emergency."

The bill was passed finally by the following vote:

Yeas—31.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

Senate Bill No. 82.

The Chair laid before the Senate on third reading the following bill:

S. B. No. 82, A bill to be entitled "An Act to create Road District Number Five (5) in San Patricio County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization, issuance and sale of certain road bonds thereof, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said road district; approving and validating all orders of the commissioners' court of said county in respect of said road district, bonds and taxes, and certified copies thereof, and constituting such orders and certified copies thereof legal evidence; evidencing proof of publication of constitutional notice required in such acts; and declaring an emergency."

The bill was passed finally by the following vote:

Yeas—31.

Bailey.	Hall.
Berkeley.	Hardin.
Bledsoe.	Holbrook.
Bowers.	Lewis.
Fairchild.	Love.
Floyd.	McFarlane.
Greer.	Miller.

Moore.	Stuart.
Neal.	Triplett.
Parr.	Ward.
Pollard.	Westbrook.
Price.	Wirtz.
Real.	Witt.
Reid.	Wood.
Russek.	Woodward.
Smith.	

Senate Bill No. 46.

The Chair laid before the Senate on third reading the following bill:

S. B. No. 46, A bill to be entitled "An Act to provide for an adequate system of vital statistics, and for the registration of all births and deaths in this State, and for the compiling and preservation of records for such purposes, etc., and declaring an emergency."

The bill was read third time and passed finally.

Senate Bill No. 47.

Senator Berkeley moved that the senate concur in the House amendments to S. B. No. 47. The motion prevailed by the following vote:

Yeas—31.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

Messages From the House.

The Chair recognized the Door-keeper who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, June 3, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 87, A bill to be entitled "An Act amending Article 1434 of the

Penal Code by providing for the transfer of the certified copy of the tax collector's receipt issuing a general dealer's distinguishing number in lieu of the tax collector's receipt for the license fee issued for the current year."

With amendments as substituted.

S. B. No. 47, A bill to be entitled "An Act to better protect and promote the health of the people of Texas, establishing the Department of Health, to consist of a State Board of Health, appointed by the Governor, a State Health Officer, appointed by the State Board of Health; fixing the term of office, etc., and declaring an emergency."

Respectfully submitted,

M. LOUISE SNOW,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, June 3, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 124, A bill to be entitled "An Act creating Cameron County Water Control and Improvement District No. 6 of Cameron county, Texas, defining its boundaries, and which district embraces the same territory included within Cameron County Water Improvement District No. 6; providing that the management and control of the said Cameron County Water Control and Improvement District No. 6 shall be by a board of five directors; providing that the said Cameron County Water Control and Improvement District No. 6 shall be a conservation and reclamation district, and shall be governed by the provisions of Section 59, Article 16 of the Constitution, and by the provisions of Chapter 25 of the General Laws passed by the Thirty-ninth Legislature, at its Regular Session in 1925, relating to water control and improvement districts governed by said Section 59, Article 16, of the Constitution, except as herein otherwise provided; changing the name of such district from Cameron County Water Improvement District No. 6 to Cameron County Water Control and Improvement District No. 6, and converting said water improvement district into a water control and improvement district without impairment of obligations; providing the title to all property and rights in property now owned by Cameron Coun-

ty Water Control and Improvement District No. 6, and that same shall be held and used under the provisions of Section 59, Article 16 of the State Constitution, and of Chapter 25 of the General Laws passed by the Thirty-ninth Legislature at its Regular Session in 1925, as same now exist or may be hereafter amended; providing that the said water control and improvement district shall assume and discharge all legal obligations, contracts and indebtedness legally created by Cameron County Water Improvement District No. 6; validating the bonds heretofore issued and sold by said Cameron County Water Improvement District No. 6; providing that it shall not be necessary for an election to confirm the organization of the district created by this Act; providing that proof of publication of constitutional notice required in the enactment of this Act has been duly made; enacting provisions incident and necessary to the subject and purpose of this Act, and declaring an emergency."

H. B. No. 125, A bill to be entitled "An Act creating Cameron County Water Control and Improvement District No. 7 of Cameron county, Texas; defining its boundaries, and which district embraces the same territory included within Cameron County Water Improvement District No. 7; providing that the management and control of the said Cameron County Water Control and Improvement District No. 7 shall be by a board of five directors; providing that the said Cameron County Water Control and Improvement District No. 7 shall be a conservation and reclamation district and shall be governed by the provisions of Section 59, Article 16, of the Constitution, and by the provisions of Chapter 25 of the General Laws passed by the Thirty-ninth Legislature, at its Regular Session in 1925, relating to water control and improvement districts governed by said Section 59, Article 16, of the Constitution, except as herein otherwise provided; changing the name of such district from Cameron County Water Control and Improvement District No. 7 to Cameron County Water Control and Improvement District No. 7, and converting said water improvement district into a water control and improvement district without impairment of obligations; providing the title to all property and rights in property now owned by Cameron County Water Improvement District No. 7 are vested in Cam-

eron County Water Control and Improvement District No. 7, and that same shall be held and used under the provisions of Section 59, Article 16, of the State Constitution, and of Chapter 25 of the General Laws passed by the Thirty-ninth Legislature at its Regular Session in 1925, as same now exist or may be hereafter amended; providing that the said water control and improvement district shall assume and discharge all legal obligations, contracts and indebtedness legally created by Cameron County Water Improvement District No. 7; providing that it shall not be necessary for an election to confirm the organization of the district created by this Act; providing that proof of publication of constitutional notice required in the enactment of this Act has been duly made; enacting provisions incident and necessary to the subject and purpose of this Act, and declaring an emergency."

Respectfully submitted,

M. LOUISE SNOW,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, June 3, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 61, A bill to be entitled "An Act granting authority for the sale of personal and real property belonging to the Texas Prison System; enacting necessary provisions in reference to the terms and conditions of such sales; granting authority for the purchase of lands and appurtenances thereunto belonging necessary for the State Prison System, and enacting necessary provisions relative and incident to the same and declaring an emergency."

Respectfully submitted,

M. LOUISE SNOW,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, June 3, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 126, A bill to be entitled "An Act creating Cameron County Water Control and Improvement District No. 5 of Cameron county, Texas; defining its boundaries, and which district embraces the same territory in-

cluded within Cameron County Water Improvement District No. 5; providing that the management and control of the said Cameron County Water Control and Improvement District No. 5 shall be by a board of five directors; providing that the said Cameron County Water Control and Improvement District No. 5 shall be a conservation and reclamation district and shall be governed by the provisions of Section 59, Article 16, of the Constitution, and by the provisions of Chapter 25, of the General Laws passed by the Thirty-ninth Legislature, at its Regular Session in 1925, relating to water control and improvement districts governed by said Section 59, Article 16, of the Constitution, except as herein otherwise provided; changing the name of such district from Cameron County Water Improvement District No. 5 to Cameron County Water Control and Improvement District No. 5, and converting said water improvement district into a water control and improvement district without impairment of obligations; providing the title to all property and rights in property now owned by Cameron County Water Improvement District No. 5 are vested in Cameron County Water Control and Improvement District No. 5, and that same shall be held and used under the provisions of Section 59, Article 16, of the State Constitution, and of Chapter 25, of the General Laws passed by the Thirty-ninth Legislature at its Regular Session in 1925, as same now exist or may be hereafter amended; providing that the said water control and improvement district shall assume and discharge all legal obligations, contracts and indebtedness legally created by Cameron County Water Improvement District No. 5; validating the bonds heretofore issued and sold by said Cameron County Water Improvement District No. 5; providing that it shall not be necessary for an election to confirm the organization of the district created by this Act; providing that proof of publication of constitutional notice required in the enactment of this Act has been duly made; enacting provisions incident and necessary to the subject and purpose of this Act, and declaring an emergency."

Respectfully submitted,

M. LOUISE SNOW,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, June 3, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 34, A bill to be entitled "An Act amending Article 5160 of the Revised Civil Statutes of 1925; providing more adequate and better regulations and provisions in connection with bonds where a person or persons, firm or corporation, enter into a formal contract with this State or its counties or school districts or for any subdivisions thereof or any municipality therein for the construction of any public building or the prosecution and completing of any public work; etc., and declaring an emergency."

With amendments.

Respectfully submitted,

M. LOUISE SNOW,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, June 3, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 35, A bill to be entitled "An Act providing for the separation of all public free school affairs in cities or towns from the municipal government therein; providing that all the power and authority over such schools shall be exercised by such cities or towns through their boards of education; providing for the election of trustees of the independent districts authorized herein; vesting the title to school property of such cities and towns in the independent districts; authorizing the independent districts to assume outstanding bonds of cities and towns issued for school purposes; repealing all laws and parts of laws in conflict with the provisions of this Act, and declaring an emergency."

With amendments.

H. B. No. 122, A bill to be entitled "An Act to amend Articles 6162, 6163, 6164 and 6165, of Title 107, Revised Texas Civil Statutes of 1925, defining and regulating loan brokers; providing punishment for the violation of this law; requiring loan brokers to file affidavits in the county clerk's office, giving name of owner and agents of said business; requiring loan brokers to execute a good and sufficient bond in the sum of one thousand dollars,

payable to the county judge and his successors in office, conditioned that any person who may be injured or damaged for usury charged by such loan broker may sue and recover therefor; providing a reasonable attorney's fee may be allowed upon recovery of a judgment against such loan broker by the court not to exceed fifty dollars; providing sale or assignment of wages or any lien upon household and kitchen furniture made by married men to such loan broker shall be joined by the wife and duly acknowledged, as in the case of deeds; providing that if any part of this Act should be declared unconstitutional it shall not affect any other part of the same; repealing all of Articles 1127, 1128, 1129, Title 14, Chapter 12, of the Revised Criminal Code of 1925, and all other laws in conflict herewith, and declaring an emergency."

Respectfully submitted,

M. LOUISE SNOW,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,

Austin, Texas, June 3, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. C. R. No. 5, relating to a meeting of public spirited citizens and voters of the State of Texas Monday evening, 8 p. m., June 6th.

Respectfully submitted,

M. LOUISE SNOW,

Chief Clerk, House of Representatives.

House Bills Read and Referred.

After their captions had been read, the Chair referred the following bills:

H. B. No. 43, referred to Committee on Public Health.

H. B. No. 87, referred to Committee on Criminal Jurisprudence.

H. B. No. 61, referred to Committee on Penitentiary.

H. B. No. 126, referred to Committee on Penitentiary.

H. B. No. 124, referred to Committee on Penitentiary.

H. B. No. 125, referred to Committee on Penitentiary.

H. B. No. 122, referred to Committee on State Affairs.

Recess.

On motion of Senator Bailey, the Senate, at 12:00 o'clock, recessed until 2:00 o'clock p. m.

After Recess.

The Senate was called to order by Lieutenant Governor Miller at 2:00 p. m. pursuant to recess.

Senate Bill No. 78.

The Chair laid before the Senate as special order the following bill:

S. B. No. 78, A bill to be entitled "An Act amending Article 2350 of the Revised Civil Statutes of 1925 as amended by Chapter 290 of the General and Special Laws of the Regular Session of the 40th Legislature so as to correct an error as made by the 40th Legislature in reference to the salary of county commissioners in counties having an assessed valuation of less than \$6,500,000.00, and making certain other changes in said Article 2350 in reference to the compensation of county commissioners; and declaring an emergency."

The bill was read second time.

The bill was passed to engrossment.

On motion of Senator Ward, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 78 was put on its third reading and final passage, by the following vote:

Yeas—21.

Bowers.	Reid.
Fairchild.	Russek.
Hall.	Smith.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Moore.	Witt.
Neal.	Wood.
Parr.	Woodward.
Real.	

Absent.

Bailey.	Hardin.
Berkeley.	Miller.
Bledsoe.	Pollard.
Floyd.	Price.
Greer.	Stuart.

The bill was read third time and passed finally, by the following vote:

Yeas—26.

Bowers.	Hall.
Fairchild.	Hardin.
Floyd.	Holbrook.
Greer.	Lewis.

Love.	Russek.
McFarlane.	Smith.
Moore.	Stuart.
Neal.	Triplett.
Parr.	Ward.
Pollard.	Westbrook.
Price.	Witt.
Real.	Wood.
Reid.	Woodward.

Absent.

Bailey.	Miller.
Berkeley.	Wirtz.
Bledsoe.	

Senate Bill Nos. 70 and 91.

On motion of Senator Stuart, S. B. Nos. 70 and 91 were re-referred to the Committee on Civil Jurisprudence.

Bills Signed.

The Chair, Lieutenant Governor Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

S. B. No. 46.

Senate Bill No. 33.

The Chair laid before the Senate on final passage, the following bill: S. B. No. 33, A bill to be entitled "An Act making better provision for the improvement of lateral roads in this State; making an appropriation for each of the two years ending August 31, 1928, and August 31, 1929, out of the State Highway Fund in the State Treasury for the benefit of lateral roads; defining lateral roads; defining lateral roads as being roads connecting with and intersecting state designated highways; etc., and declaring an emergency."

The bill was read third time.

Senator Love sent up the following amendment:

Amend Senate Bill No. 33, by striking out Section 1 and inserting in lieu thereof the following:

"Section 1. On and after January 1, 1929, ten per cent of all money received in the State Highway Fund from occupation taxes based on the sale of gasoline and ten per cent of all moneys received in said State Highway Fund from motor vehicle registration fees shall be set aside by the State Treasurer in a special fund to be used by the State High-

way Commission to assist the various counties of the state in the construction or improvement of lateral roads. Said moneys shall be paid to the various counties on special warrants drawn by the Comptroller against said special fund upon accounts approved by the State Highway Commission."

Amend S. B. No. 33, by striking out the caption and inserting in lieu thereof the following:

"A BILL

To Be Entitled

An Act making better provision for the improvement of lateral roads in this State; providing for a special fund on and after January 1, 1929, composed of a certain per cent of the moneys received in the State Highway Fund from occupation taxes based on sales of gasoline and moneys received in said fund from motor vehicle registration fees for the benefit of lateral roads; directing how said fund shall be set aside and disbursed for such purpose; defining lateral roads as being roads connecting with and intersecting state designated highways; prescribing the method of using said money and providing for the same to be matched by the counties with an equal amount; prescribing how the road work shall be done with said money; enacting all things necessary and incidental to the main subject and purpose of this Act whether mentioned in this caption or not; and declaring an emergency."

The amendment was read.

Senator Love sent up the following substitute for the pending amendment:

Amend S. B. No. 33, by striking out the first section and inserting in lieu thereof the following:

Section 1. It shall be the duty of the State Highway Commission to set apart out of the State Highway Fund, for the fiscal year ending August 31, 1929, and each fiscal year thereafter, the sum of two million dollars or ten per centum of all revenues received in the State Highway fund, during the fiscal year, which ever may be the greater, to constitute the Lateral Road Aid Fund, to be used in aiding counties and sub-divisions thereof in the construction of lateral roads, by matching local funds, under such regula-

tions as the State Highway Commission may prescribe, not in conflict with law or with the provisions of this Act.

The amendment was read and adopted.

The amendment as substituted was adopted by the following vote:

Yeas—26.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Fairchild.	Real.
Floyd.	Russek.
Greer	Smith.
Hall.	Stuart.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Witt.
McFarlane.	Wood.
Miller.	Woodward.

Nays—2.

Reid.	Triplett.
	Absent.
Hardin.	Wirtz.
Moore.	

Senator Love sent up the following amendment:

Amend S. B. No. 33, by striking out the first sentence thereof and inserting in lieu thereof the following:

The State Highway Commission shall make awards out of said fund, to counties or subdivisions thereof, making application therefor and agreeing to match the amount awarded by a like amount of the funds of such county or subdivision for the improvement of lateral roads.

The amendment was read and adopted unanimously.

The bill as amended was lost by the following vote:

Yeas—12.

Bailey.	Love.
Bledsoe.	McFarlane.
Bowers.	Miller.
Fairchild.	Russek.
Floyd.	Stuart.
Holbrook.	Westbrook.
Lewis.	

Nays—14.

Berkeley.	Pollard.
Greer	Price.
Hall.	Real.
Neal.	Reid.

Smith.
Triplett.
Ward.

Witt.
Wood.
Woodward.

Absent.

Hardin.

Absent.

Wirtz.

(Pair Recorded.)

Senator Parr (present), who would vote yea with Senator Moore (absent), who would vote nay.

Senate Bill No. 43.

The Chair laid before the Senate on third reading, the following bill:

S. B. No. 43, A bill to be entitled "An Act repealing Article 650 of the Code of Criminal Procedure of the State of Texas of 1925, which permits defendants jointly prosecuted to sever upon the request of either and amending Article 651 of the Code of Criminal Procedure of the State of Texas of 1925, so as to provide that defendants jointly or separately indicted may upon request ask for a severance and giving to the trial judge the right to order a severance, if in his discretion the ends of justice require a severance, and repealing Article 711 of the Code of Criminal Procedure of the State of Texas of 1925, and declaring an emergency."

The bill was read third time, and passed finally, by the following vote:

Yeas—20.

Berkeley.	Real.
Bledsoe.	Reid.
Greer	Smith.
Holbrook.	Stuart.
Lewis.	Triplett.
Love.	Ward.
McFarlane	Westbrook.
Neal.	Witt.
Pollard.	Wood.
Price.	Woodward.

Nays—9.

Bailey.	Miller.
Bowers.	Parr.
Fairchild.	Russek.
Floyd.	Wirtz.
Hardin.	

Absent.

Hall.	Moore.
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House Bill No. 57.

The Chair laid before the Senate on third reading, the following bill:

H. B. No. 57, A bill to be entitled "An Act amending Article 3107 of the Revised Civil Statutes of Texas, 1925, giving the executive committee of the political parties within this State the authority to determine the qualifications of the voters of such parties."

The bill was read third time.

Senator Parr sent up the following amendment:

Amend House Bill No. 57, by adding the following:

"Provided that it shall be unlawful for any person who votes in the primary to vote against the nominee in the general election, and any person violating this provision shall be fined not to exceed \$1,000.00 or confined in jail not more than one year or both.

Senator Love moved to table the amendment. The motion prevailed.

The bill was passed finally.

House Concurrent Resolution No. 5.

The Chair laid before the Senate H. C. R. No. 5, relating to a meeting of citizens and voters of the State of Texas Monday evening, 8 o'clock, June 6.

The resolution was read and adopted.

Senate Bill No. 17.

Senator Stuart called up the motion made and spread on the Journal by Senator McFarlane to reconsider the vote by which consideration of S. B. No. 17 was indefinitely postponed. The motion was adopted by the following vote:

Yeas—15

Berkeley.	Miller.
Bowers.	Parr.
Fairchild.	Real.
Greer	Russek.
Hardin.	Stuart.
Holbrook.	Wirtz.
McFarlane.	Witt.

Nays—14.

Bailey.	Price.
Bledsoe.	Smith.
Hall.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
Neal.	Wood.
Pollard.	Woodward.

Absent.

Floyd.

(Pair Recorded.)

Senator Reid (present), who would vote nay, with Senator Moore (absent), who would vote yea.

Senator Stuart moved to lay the bill on the table subject to call. The motion prevailed.

Senator Love called up the bill from the table and moved the previous question. The previous question was seconded and failed to be ordered by the following vote:

Yeas—14.

Bailey.	Reid.
Bledsoe.	Smith.
Hall.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
Neal.	Wood.
Price.	Woodward.

Nays—17.

Berkeley.	Moore.
Bowers.	Parr.
Fairchild.	Pollard.
Floyd.	Real.
Greer	Russek.
Hardin.	Stuart.
Holbrook.	Wirtz.
McFarlane.	Witt.
Miller.	

Senator Pollard moved to lay the bill on the table subject to call. The motion prevailed.

Senate Bill No. 35.

Senator Holbrook moved that the Senate concur in the House amendment to S. B. No. 35. The motion prevailed by the following vote:

Yeas—26.

Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer	Stuart.
Hall.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Neal.	Wood.
Parr.	Woodward.

Nays—3.

Bailey. Miller.

Hardin.

Present—Not voting.

Moore. Smith.

Bill Signed.

The Chair, Lieutenant Governor Miller, gave notice of signing, and did sign, in the presence of the Senate, after the caption had been read, the following bill:

H. B. No. 62.

Senate Bill No. 34.

Senator Wood moved that the Senate concur in the House amendments to S. B. No. 34. The motion prevailed.

Free Conference Committee Report.

Senator Fairchild sent up the following report:

Committee Room,

Austin, Texas, June 4, 1927.

Hon. Barry Miller, President of the Senate.

Hon. R. L. Bobbitt, Speaker of the House of Representatives:

Sirs: We, your Conference Committee, appointed to consider the difference between the two Houses on

S. B. No. 16. A bill to be entitled "An Act making an appropriation of the sum of \$31,409.85, or so much thereof as may be necessary, payable out of the general revenue not otherwise appropriated, and appropriating all other current revenue, or so much thereof as may be necessary, to be derived from the operation of the Texas State Railroad until August 31, 1929, and to be deposited in the State Treasury; said appropriations being for the traveling, clerical and other expenses of the Board of Managers, and all other expenses connected with the sale and maintenance, operation or lease of said railroad, and being for the period up to and including August 31, 1927; and declaring an emergency."

Have had the same under consideration and have adjusted the differences and recommend the passage of the following substitute bill:

A BILL

To Be Entitled

An Act making an appropriation of the sum of \$31,409.85 or so much

thereof as may be necessary, payable out of the General Revenue not otherwise appropriated, and appropriating all other current revenue, or so much thereof as may be necessary, to be derived from the operation of the Texas State Railroad until August 31, 1929, and to be deposited in the State Treasury; said appropriations being for the traveling, clerical and other expenses of the Board of Managers, and all other expenses connected with the sale and maintenance, operation or lease of said railroad, and being for the period up to and including August 31, 1929; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the sum of \$31,409.85, or so much thereof as may be necessary, payable out of the General Revenue not otherwise appropriated and also the current revenue, or so much thereof as may be necessary, to be derived from the operation of the Texas State Railroad until August 31, 1929, and to be deposited in the State Treasury, is hereby appropriated for the traveling, clerical and other expenses of the Board of Managers of the Texas State Railroad, and all other expenses connected with the sale, maintenance, operation or lease of said railroad for the period up to and including August 31, 1929.

Sec. 2. The fact that the State has authorized the sale of the Texas State Railroad and the necessity of maintaining and operating the same require that the appropriation made by this Act shall be made to be immediately available; therefore an emergency and an imperative public necessity exists demanding the suspension of the constitutional rule requiring all bills to be read on three several days in each House, and that this Act shall take effect from and after its passage, and said rule is hereby suspended, and it is so enacted.

FAIRCHILD,
WITT,
HOLBROOK,
BOWERS,
GREER.

On part of the Senate.

TEER,
FOSTER,
SMYTH,
COX,
HALL.

On part of the House.
The report was read and adopted.

Simple Resolution No. 32.

Senator Hall sent up the following resolution:

By Senator Hall:

Whereas, It has come to the notice of the Senate of the State of Texas of the United States of America, through the public press, that Senora Natalia Calles, wife of President Calles of the Republic of Mexico, died suddenly on yesterday in the City of Los Angeles, Claifornia;

Now, therefore, be it Resolved by the Senate of the State of Texas, That the profound sympathy and condolence of the membership of this Senate is sincerely extended to His Excellency, President Calles of Mexico and his family, in their great loss and bereavement on account of the death of their beloved wife and mother.

That the Governor be requested to communicate this resolution to President Calles through proper channels of our National Government or in whatever mode be proper according to approved custom and usage in such matters.

The resolution was read and adopted.

Senate Bill No. 48.

The Chair laid before the Senate S. B. No. 48. On motion of Senator Greer, the bill was laid on the table subject to call.

Senate Bill No. 40.

The Chair laid before the Senate S. B. No. 40. On motion of Senator Woodward, the bill was laid on the table subject to call.

Senate Bill No. 41.

The Chair laid before the Senate S. B. No. 41. On motion of Senator Wood, the bill was laid on the table subject to call.

Senate Bill No. 63.

The Chair laid before the Senate on second reading, the following bill:
S. B. No. 63, A bill to be entitled

"An Act respecting the formation of a fresh water supply district, etc."

The bill was read second time and passed to engrossment.

On motion of Senator Bledsoe, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 63 was put on its third reading and final passage, by the following vote:

Yeas—30.

Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Fairchild.	Real.
Floyd.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Neal.	Woodward.

Absent.

Bailey.

The bill was read third time and passed finally, by the following vote:

Yeas—28.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Wirtz.
McFarlane.	Witt.
Moore.	Wood.
Neal.	Woodward.

Absent.

Hardin.	Westbrook.
Miller.	

Senate Bill No. 110.

The Chair laid before the Senate the following bill:

S. B. No. 110, A bill to be entitled "An Act creating and establishing Brazos River Harbor Navigation District of Brazoria County under Section 59, Article 16 of the Constitution of Texas for the purpose of mak-

ing improvements for the navigation of inland and coastal waters and for the preservation and conservation of inland and coastal waters for navigation and for control and distribution of storm and flood waters of rivers and streams in aid of navigation; describing said district by metes and bounds, ratifying and validating all orders and other proceedings of the commissioners' court and other officers of Brazoria County and of the Navigation and Canal Commissioners of said district; ratifying and validating the petition, order for hearing, notice of hearing, hearing on petition, order for election, order defining voting precincts, notice of election, returns of election, order declaring result of election, order of commissioners' court appointing Navigation and Canal Commissioners, official acts of Navigation and Canal Commissioners, order authorizing the issuance of \$1,000,000 bonds, and assessment of taxes in payment thereof; authorizing the commissioners' court and officers to levy, assess and collect general ad valorem taxes sufficient to pay interest on such bonds and the principal thereof as they mature; authorizing the commissioners' court and Navigation and Canal Commissioners and officers to complete the issuance and sale of \$989,000 of the \$1,000,000 bonds heretofore voted by said district; constituting all orders of the commissioners' court and acts of Navigation and Canal Commissioners and certified copies thereof and certificates of the officers of Brazoria County and Navigation and Canal Commissioners in respect thereto evidence in all courts; and declaring an emergency."

The bill was read second time, the committee report was adopted, and the bill passed to engrossment.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 110 was put on its third reading and final passage, by the following vote:

Yeas—31.

Bailey.	Hall.
Berkeley.	Hardin.
Bledsoe.	Holbrook.
Bowers.	Lewis.
Fairchild.	Love.
Floyd.	McFarlane.
Greer.	Miller.

Moore.	Stuart.
Neal.	Triplett.
Parr.	Ward.
Pollard.	Westbrook.
Price.	Wirtz.
Real.	Witt.
Reid.	Wood.
Russek.	Woodward.
Smith.	

The bill was read third time and passed finally, by the following vote:

Yeas—26.

Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Fairchild.	Real.
Greer.	Reid.
Hall.	Russek.
Holbrook.	Smith.
Lewis.	Stuart.
Love.	Triplett.
McFarlane.	Ward.
Miller.	Witt.
Moore.	Wood.
Neal.	Woodward.

Absent.

Bailey.	Westbrook.
Floyd.	Wirtz.
Hardin.	

Senate Bill No. 43.

The Chair laid before the Senate on second reading, the following bill:

S. B. No. 43, A bill to be entitled "An Act to better provide for the collection of delinquent taxes by providing more adequate compensation for county and district attorneys in connection with delinquent tax suits and delinquent tax collections, etc., and declaring an emergency."

The bill was read second time.

Senator Witt sent up the following amendment:

Amend said bill by striking out Section 1 and inserting in lieu thereof the following:

"Section 1. In addition to the compensation now provided by law for county and district attorneys in delinquent tax suits, the county or district attorney as the case may be, shall be entitled to a commission on all delinquent taxes collected by suit for the county or State of ten per cent of the amount collected. If pursuant to activities of the county or district attorney in preparing for any such suit the taxes are paid prior to institution of suit, then in that event the county or district attorney shall

be entitled to said commission of ten per cent on any amount of taxes paid. The county or district attorney shall be entitled to the compensation herein provided in addition to the per diem fees, prerequisites or compensation now provided by law and need not account for same as fees of office or pay any portion of same over to the State or county, and shall be entitled to retain all of said compensation."

The amendment was read and lost.

Senator Witt moved to lay the bill on the table subject to call. The motion prevailed.

Senate Bill No. 49.

The Chair laid before the Senate on second reading, the following bill:

S. B. No. 49, A bill to be entitled "An Act to amend Article 847 of Title 10 of the Code of Criminal Procedure of the State of Texas providing that no judgment in any criminal case shall be reversed by the Court of Criminal Appeals for any error not affecting the judgment or causing injury to the defendant."

The bill was read second time.

Senator Bowers moved to lay the bill on the table subject to call. The motion prevailed.

Senate Bill No. 51.

The Chair laid before the Senate the following bill:

S. B. No. 51, A bill to be entitled "An Act providing that appointments to State service where practicable shall be made on the basis of merit determined after examination; that the Board of Control may put this principle into effect that said Board may create rules and regulations for that purpose; that the officers and employees of the State shall be divided into non-competitive, competitive and labor classes and that those applying for examination for employment in competitive and labor classes shall pay fee for such examination, etc."

House Bill No. 6.

The Chair laid before the Senate under the joint rules of the House and Senate, the following House Bill on the same subject as S. B. No. 51:

H. B. No. 6, A bill to be entitled "An Act to amend Articles 603 and 604 of Title 20, Chapter 1, Revised Statutes, 1925, and adding to said Title 20 another chapter, providing

for efficiency tests and examinations and classification of appointive ministerial and clerical officers and employees of the State of Texas; regulating such tests and examinations and providing for fixing the compensation of such employees, and repealing all laws in conflict."

Senator Price sent up the following amendment:

Amendment No. 1.

Amend H. B. No. 6, page 2, by adding a comma after the word "Senate" in line 29 and adding the following:

"Assistant deputies and chief clerks of departments and heads of departmental divisions as determined by the Legislative biennial budget.

The amendment was read and adopted.

Senator Parr moved to indefinitely postpone the further consideration of the bill and all amendments, and moved the previous question on his motion. The motion was lost by the following vote:

Yeas—14.

Bailey.	Holbrook.
Bledsoe.	Miller.
Bowers.	Parr.
Fairchild.	Russek.
Floyd.	Stuart.
Greer.	Wirtz.
Hardin.	Woodward.

Nays—15.

Berkeley.	Price.
Hall.	Reid.
Lewis.	Smith.
Love.	Triplett.
McFarlane.	Witt.
Moore.	Wood.
Neal.	The Chair.
Pollard.	

Absent.

Ward.

(Pair Recorded.)

Senator Real (present) who would vote nay, with Senator Westbrook (absent) who would vote yea.

Senator Witt sent up the following amendment:

Amend House Bill No. 6, by striking from page 4, line 21 all of line 21 beginning with the word "when-ever" and also all of lines 22, 23, 24, 25 and 26, and insert in lieu thereof the following:

"whenever an examination is held the Board shall keep a full and complete record of all such examinations, the questions, answers and grades, which shall be open to public inspection."

The amendment was read and adopted.

Senator Fairchild sent up the following amendment:

Add Section 8a, page 7, Section 8a. Provided the provisions of this bill shall not become effective until January 1, 1929.

Senator Pollard moved to table the amendment.

Recess.

Senator Parr, at 5:00 o'clock p. m., moved to recess until 8:00 p. m. The motion was lost by the following vote:

Yeas—11.

Bailey.	Miller.
Bledsoe.	Parr.
Bowers.	Russek.
Fairchild.	Stuart.
Holbrook.	Wirtz.
McFarlane.	

Nays—14.

Berkeley.	Pollard.
Greer.	Price.
Hardin.	Real.
Lewis.	Reid.
Love.	Smith.
Moore.	Triplett.
Neal.	Witt.

Absent.

Hall.	Westbrook.
Ward.	

Present—Not Voting.

Floyd.

Bills Signed.

The Chair, Lieutenant Governor Barry Miller, gave notice of signing, and did sign in the presence of the Senate, after its caption had been read, the following bill:

H. B. No. 3.

Simple Resolution No. 32.

Senator Witt sent up the following resolution:

By Senators Lewis, Russek, Witt:

Whereas, The Hon. Tom Connally, one of Texas' most distinguished citi-

zens and Congressman from the 11th Congressional District is in the Senate Chamber,

Therefore, Be it resolved that he be accorded the privileges of the Senate and invited to address the Senate.

The resolution was adopted.

The Chair appointed Senators Witt, Russek, Lewis, and Fairchild to escort Congressman Connally to the platform.

Address.

Senator Fairchild introduced Hon. Tom Connally, who briefly addressed the Senate.

House Bill No. 6.

The question recurred upon Senator Pollard's motion to table Senator Fairchild's amendment:

Senator Love moved the previous question on the amendment and the bill.

The motion was lost.

Senator Moore moved to set the bill as a special order after the morning call Saturday.

Senator Bailey moved to recess until 8 o'clock p. m.

The motion was lost.

Senator Moore's motion to set as special order prevailed.

Senate Bill No. 17.

Senator Stuart called up Senate Bill No. 17 from the table, moved to engross the bill, and moved the previous question.

Senator Bailey moved to recess until 7:55 o'clock p. m.

The motion was lost by the following vote:

Yeas—12.

Bailey.	Pollard.
Bledsoe.	Price.
Floyd.	Reid.
Hall.	Smith.
Love.	Triplett.
Neal.	Wood.

Nays—16.

Berkeley.	Miller.
Bowers.	Moore.
Fairchild.	Parr.
Greer.	Real.
Hardin.	Russek.
Holbrook.	Stuart.
Lewis.	Wirtz.
McFarlane.	Witt.

Absent.

Ward.
Westbrook.

Woodward.

Messages From the House.

The Chair recognized the door-keeper, who introduced a messenger from the House, with the following message:

Hall of the House of Representatives,
Austin, Texas, June 3, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 79, A bill to be entitled "An Act to amend Article 1728 of the Revised Civil Statutes of Texas, as amended by Senate bill No. 7 at the Regular Session of the Fortieth Legislature."

H. B. No. 24, A bill to be entitled "An Act amending Article 6704 of the Revised Civil Statutes of the State of Texas as amended by Chapter 178 of the General and Special Laws of the Regular Session of the Fortieth Legislature so as to better define first class roads which shall be classified by the commissioners' courts of the various counties; making provision for detour roads to be provided by commissioners' courts when counties are working on public roads, and declaring an emergency."

H. B. No. 40, A bill to be entitled "An Act making appropriations to cover deficiencies heretofore made for the support of the Judiciary Department of the State government for the fiscal year ending August 31, 1927, and declaring an emergency."

H. B. No. 80, A bill to be entitled "An Act to create a special and more efficient road system for Collin County, in the State of Texas, and making county commissioners ex-officio road commissioners, and prescribing their powers and duties as such, and providing for their compensation as such road commissioners; and providing for the condemnation of lands and other property by said county for the purpose of laying out and establishing roads and for straightening, widening or draining any established road, and for the condemnation of any timber, earth or other material for the construction and maintenance of public roads, and to

provide for compensation of the material used; and providing for the working of county convicts on the public roads and county farm and the purchase of supplies for such convicts, and for the rewards for the capture of escaped convicts, and for the commutation of sentences for faithful service and good behavior, and providing the powers and duties and liabilities of road overseers, and to provide for the summoning of road hands and teams for road work and for the allowance of time for services of hands and teams on public roads, and fixing the penalty for violation of same, and relieving them from the performance of such work by the payment of three (\$3.00) dollars, and providing that delinquent poll taxpayers shall be liable for extra road duty of three days, and providing for the manner of summoning and working of all persons liable for road duty on the public roads who have not paid such road tax or such poll tax, and permitting substitution and payment of money in lieu of such service, and to provide for the manner of training and maintaining hedges along the public roads and the punishment for the failure to comply with, and for the allowance of extra time for road overseers, and to provide punishment for all who obstruct any drainway of any public road; and providing further, making this Act cumulative of the general laws now in force, and to repeal Chapter 63 of the Acts of the Thirty-seventh Legislature, being a special road law for Collin County, and declaring an emergency."

H. B. No. 123, A bill to be entitled "An Act to amend Article 1645 of the Revised Civil Statutes of Texas, by providing for a minimum salary to be paid county auditors in counties with a population not less than 35,000 nor more than 37,500 inhabitants."

H. B. No. 140, A bill to be entitled "An Act to confer authority upon the commissioners' court of any organized county that does not have a county board of trustees to appoint a county board of trustees to serve until the next election of school trustees, as provided for by law; defining the powers of county boards of trustees, and declaring an emergency"

The House has adopted House Simple Resolution relating to appropriation for pink boll worm extermination being struck out of House appropriation bill and requesting the Senate to retain appropriation for same.

Respectfully submitted,
M. LOUISE SNOW,
Chief Clerk, House of Representatives.

House Bills Read and Referred.

After the caption had been read, the Chair referred the following bill:

H. B. No. 79, referred to Committee on Civil Jurisprudence.

Senate Bill No. 17.

Senator Stuart withdrew the motion of the previous question.

Senator Bowers withdrew his amendment.

Senator Witt sent up the following amendment:

Amendment to S. B. No. 17.

Amend S. B. No. 17, pages 14 and 15 of the bill by striking out Section 14 in its entirety and renumber the remaining sections.

The amendment was read and adopted by the following vote:

Yeas—19.

Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Stuart.
Hardin.	Westbrook.
Miller.	Wirtz.
Moore.	Witt.
Parr.	Wood.
Pollard.	

Nays—10.

	Love.
Berkeley.	McFarlane.
Hall.	Neal.
Holbrook.	Smith.
Lewis.	Triplett.

Absent.

Ward.	Woodward.
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Senator Witt sent up the following amendment:

Amendment No. 8, S. B. No. 17.

Amend Senate Bill No. 17, page 142, of the Journal by striking from Sec-

tion 2 the following language: "and who shall have resided in the district from which they are appointed at least one year next before their appointment" and substitute therefor the following: "and no two of whom shall reside in the same congressional district."

Senator Neal sent up the following amendment to the amendment.

Amendment No. 1 to Amendment No. 8, S. B. No. 17.

Amend Senate Bill No. 17 by striking out the words "one year," and inserting "five years."

The amendment was adopted.

The amendment as amended was adopted.

Senator Witt sent up the following amendment:

Amendment No. 9, to S. B. No. 17.

Amend Senate Bill No. 17, page 142 of the Journal by striking from Section 2 the following language: "such appointment to be made, one member from each district of the State of Texas as hereinafter set out, wherein the State of Texas is divided into nine State Highway Districts."

Senator Bowers sent up the following amendment:

Amendment No. 11, to S. B. No. 17.

Amend S. B. No. 17 by striking out Section 2 and inserting in lieu thereof the following:

"Section 2. Article 6664 of the Revised Civil Statutes of 1925 is hereby amended so as to read as follows:

"Article 6664. The commission shall consist of nine citizens of the State of Texas who shall have resided in Texas for at least five years next before their election and who shall have reached the age of twenty-five years before their election. They shall be elected at the general election of 1928, and each member shall qualify and enter upon the duties of his office the first day of January, 1929. Until said first day of January, 1929, the State Highway Commission shall be composed of nine members to be appointed by the Governor, with the advice and consent of the Senate. Said nine members when they enter upon the duties of their office shall elect one of their members as chairman, who shall execute a bond payable to the Governor of the State of Texas and his successors in office in the sum of ten thousand dollars, to be approved

by the Governor and conditioned upon the faithful performance of his office to be filed in the office of the Secretary of State. Each such commissioner shall take the constitutional oath of office. The premium on said bond shall be paid by the State Highway Fund."

Upon the elected commissioners' entering upon their duties, they shall draw for terms, three for two years, three for four years, and three for six years, and biennially thereafter three shall be elected for a term of six years.

Senator Bowers moved the previous question on the amendment and the bill. The previous question was ordered.

The amendment was adopted. The bill as amended failed to pass to engrossment by the following vote:

Yeas—13.

Bowers.	Parr.
Greer.	Real.
Hardin.	Russek.
Holbrook.	Stuart.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	

Nays—14.

Bailey.	Neal.
Berkeley.	Pollard.
Bledsoe.	Price.
Floyd.	Smith.
Hall.	Triplett.
Lewis.	Westbrook.
Love.	Wood.

Absent.

Ward.	Woodward.
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(Pair Recorded.)

Senator Reid (present) who would vote nay, with Senator Fairchild (absent) who would vote yea.

Senator Bailey moved to reconsider the vote by which the Senate failed to engross the bill. Senator Love moved to table the motion to reconsider. The motion to table was lost by the following vote:

Yeas—13.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Smith.
Hall.	Triplett.
Lewis.	Westbrook.
Love.	Wood.
Neal.	

Nays—14.

Bowers.	Parr.
Greer.	Real.
Hardin.	Russek.
Holbrook.	Stuart.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	The Chair.

Present—Not Voting.

Floyd.

Absent.

Ward.

Woodward.

(Pair Recorded.)

Senator Reid (present) who would vote yea, with Senator Fairchild (absent) who would vote nay.

House Bills Read and Referred.

After their captions had been read, the Chair referred the following bills:

H. B. No. 24, referred to Committee on Highways and Motor Vehicles.

H. B. No. 40, referred to Committee on Finance.

H. B. No. 90, referred to Committee on Highways and Motor Vehicles.

H. B. No. 123, referred to Committee on State Affairs.

H. B. No. 140, referred to Committee on State Affairs.

H. B. No. 79, referred to Committee on Civil Jurisprudence.

Bills Signed.

The Chair, Lieutenant Governor Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 35.

S. B. No. 34.

Recess.

On the motion of Senator Pollard, the Senate, at 6 o'clock p. m., recessed until 8 o'clock p. m.

After Recess.

The Senate was called to order at 8:00 o'clock p. m. pursuant to recess.

Senate Bill No. 90.

Senator Wood received unanimous consent to take up, out of its order, the following bill:

S. B. No. 90, A bill to be entitled "An Act to require the Highway Commission to formulate and execute a program for a better connected and correlated system of highways in this State intended to serve the greatest demands of travel, the heaviest traffic and the best interest of the State, and for the construction of more durable types of roads; providing for a continuity of policy on the part of the Highway Commission, and insuring a connected system of highways by requiring that the Highway Commission shall establish a system of primary highways from among the existing designated highways of the State, by requiring that the same shall be selected with the view of serving the needs and convenience of the greatest number of people having use for the highways, by requiring that a highway once placed in the system of primary highways shall not be taken out of that system without the consent of the Legislature or the consent of the commissioners' court of the county in which such highway is situated, and that if taken out compensation shall be made to the county for the amount of funds which it contributed to the construction thereof after its selection as a part of said system, and describing how said compensation shall be made, by further requiring that the mileage of additional highways added to such system of primary highways shall not exceed a total of three hundred miles in any one fiscal year, and by further requiring that it shall be the policy of the Highway Commission to give prior aid to the development of said primary highways selected from among the principal and most frequently used highways of the State and of filling of gaps in unimproved sections therein, to the end that safe and passable roads may be afforded the general traveling public across the State of Texas, and to and between the several sections thereof; authorizing the use of such portion of the State Highway Fund available for the construction and betterment of such primary highways, and placing a limit on the amount that may be so used; requiring counties through which such highways may pass to contribute their equitable share of the cost of construction or improvement, and authorizing the Highway

Commission to withhold from any county which refuses or fails to contribute its just share of the cost of construction or improvement further allotments of aid, or to charge such county with its share which it should have contributed and was required to contribute; requiring that the Highway Commission shall give preference in allotments of aid wherever possible and consonant with the general plan and policy of highways in counties of this State to counties contributing to the cost of construction and improvement of the highways within such counties; providing that whenever the county contributes of its funds to the cost of such construction or improvement, the county judge or other official representative of the commissioners' court of such county in which the contract for the construction or improvement is to be let, shall have a vote with the Highway Commission in determining the type of construction and cost thereof, and in awarding and letting contracts for such construction and declaring an emergency."

The bill was read second time, and ordered engrossed.

Bills and Resolutions.

By Senator Real:

S. B. No. 125, A bill to be entitled "An Act to provide the manner of service of citation on application for the appointment of administrator and inserting Art. 3334b and 3444c—validating the service of citation and the appointment of administrators in so far as notice is concerned where citation has been made by publication as provided by Art. 28 without posting notices, or where citation has been made by posting notices as provided for by Art. 3334 without publication as provided by Article 28 and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

Senate Bill No. 124.

Senator Wood moved to take up, out of its order, the following bill:

S. B. No. 124, A bill to be entitled "An Act authorizing the Governor to proceed to collect, and do whatever he can towards collecting, from the United States Government or any department thereof any amount pay-

able or which the United States Government is willing to pay or has provided to pay to the State of Texas to reimburse it in whole or part for expenditures said State has heretofore made to compensate owners of cotton and cotton land for destruction of cotton, or for enforced non-production, in the prevention, control and eradication of the pink boll worm; authorizing the Governor to perform this service and attend to this business with the United States Government through some person employed to assist in procuring said refund or payment from the United States government, and authorizing the Governor to make an agreement to compensate such person out of the proceeds of such funds collected from or paid by the United States government; and declaring an emergency."

The Senate rule was suspended.

On motion of Senator Wood, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 124 was put on its third reading, and final passage, by the following vote:

Yeas—31.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

The bill was read second time, and the committee report adopted.

On motion of Senator Wood, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 124 was put on its third reading and final passage, by the following vote:

Yeas—31.

Bailey.	Floyd.
Berkeley.	Greer.
Bledsoe.	Hall.
Bowers.	Hardin.
Fairchild.	Holbrook.

Lewis.	Russek.
Love.	Smith.
McFarlane.	Stuart.
Miller.	Triplett.
Moore.	Ward.
Neal.	Westbrook.
Parr.	Wirtz.
Pollard.	Witt.
Price.	Wood.
Real.	Woodward.
Reid.	

The bill was read third time and passed finally, by the following vote:

Yeas—25.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Bowers.	Reid.
Fairchild.	Smith.
Floyd.	Stuart.
Hall.	Triplett.
Holbrook.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Moore.	Wood.
Neal.	Woodward.
Parr.	

Absent.

Greer.	Miller.
Hardin.	Russek.
Lewis.	Ward.

Senate Bill No. 96.

Senator Bailey moved to take up the following bill:

S. B. No. 96, A bill to be entitled "An Act to amend Chapter 79 of the General Laws of the Regular Session of the 40th Legislature entitled 'An Act to Amend Article 1816, Chapter 1, Title 39, Revised Civil Statutes of 1925,' and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Bailey, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 96 was put on its third reading and final passage, by the following vote:

Yeas—29.

Bailey.	Hardin.
Berkeley.	Holbrook.
Bledsoe.	Lewis.
Bowers.	Love.
Fairchild.	McFarlane.
Floyd.	Moore.
Hall.	Neal.

Parr.	Triplett.
Pollard.	Ward.
Price.	Westbrook.
Real.	Wirtz.
Reid.	Witt.
Russek.	Wood.
Smith.	Woodward.
Stuart.	

Absent.

Greer. Miller.

The bill was read third time and passed finally, by the following vote:

Yeas—27.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Bowers.	Reid.
Fairchild.	Smith.
Floyd.	Stuart.
Hall.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
Moore.	Witt.
McFarlane.	Wood.
Neal.	Woodward.
Parr.	

Absent.

Greer. Miller.
Hardin. Russek.**Senate Bill No. 97.**

Senator Bailey moved to take up the following bill:

S. B. No. 97, A bill to be entitled "An Act to amend Chapter 76 of the General Laws of the Regular Session of the 40th Legislature entitled 'An Act to amend Article 1738, Chapter 3, Title 37, Revised Civil Statutes of 1925,' and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Bailey, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 97 was put on its third reading and final passage, by the following vote:

Yeas—29.

Bailey.	Holbrook.
Berkeley.	Lewis.
Bledsoe.	Love.
Bowers.	McFarlane.
Fairchild.	Miller.
Floyd.	Moore.
Hall.	Neal.
Hardin.	Parr.

Pollard.	Ward.
Price.	Westbrook.
Real.	Wirtz.
Reid.	Witt.
Smith.	Wood.
Stuart.	Woodward.
Triplett.	

Absent.

Greer. Russek.

The bill was read third time and passed finally, by the following vote:

Yeas—27.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Bowers.	Reid.
Fairchild.	Smith.
Floyd.	Stuart.
Hall.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Moore.	Wood.
Neal.	Woodward.
Parr.	

Absent

Greer. Miller.
Hardin. Russek.**Senate Bill No. 90.**

On motion of Senator Wood, S. B. No. 90 was laid before the Senate.

On motion of Senator Wood, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 90 was put on its third reading and final passage, by the following vote:

Yeas—28.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Smith.
Hall.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Neal.	Woodward.

Absent.

Greer. Russek.
Hardin.

The bill was read third time and passed finally, by the following vote:

Yeas—28.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Smith.
Hall.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Neal.	Woodward.

Absent.

Greer.	Russek.
Hardin.	

Senate Bill No. 108.

Senator Love moved to take up the following bill:

S. B. No. 108, A bill to be entitled "An Act amending Chapter 217 of the General Laws of the Regular Session of the 40th Legislature, etc., so as to fix the compensation of grand jury bailiffs, etc., and declaring an emergency."

The bill was read second time.

Senator Love sent up the following amendment:

Amend S. B. No. 108 by adding a new section as follows:

Section 3a. That the commissioners' court of any county, having a population of 210,000 or more, in which is located a Court of Civil Appeals having its quarters in the County Court House, is authorized to pay out of its General Fund, not exceeding fifty dollars per month, to the bailiff of such Court of Civil Appeals, or other employee of said Court designated by it, as additional compensation for his services as Custodian of the Court Room, Judges' Chambers and Library of such Court of Civil Appeals.

Amend the caption by inserting after the word "Bailiff" in the last line the following: "and providing for the payment by certain counties of compensation of Custodian of Quarters of the Court of Civil Appeals."

The amendment was read and adopted.

The bill was passed to engrossment.

On motion of Senator Love, the constitutional rule requiring bills to be read on three several days was

suspended and S. B. No. 108 was put on its third reading and final passage, by the following vote:

Yeas—26.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Fairchild.	Reid.
Floyd.	Smith.
Hall.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Moore.	Witt.
Neal.	Wood.
Parr.	Woodward.

Absent.

Bowers.	Miller.
Greer.	Russek.
Hardin.	

The bill was read third time and passed finally, by the following vote:

Yeas—26.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Fairchild.	Reid.
Floyd.	Smith.
Hall.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Moore.	Witt.
Neal.	Wood.
Parr.	Woodward.

Absent.

Bowers.	Miller.
Greer.	Russek.
Hardin.	

Senate Bill No. 64.

Senator Love moved to take up the following bill:

S. B. No. 64, A bill to be entitled "An Act to create and establish for each of the incorporated cities of this state having a population of twenty-five thousand or more inhabitants, a court with jurisdiction co-extensive with the territorial limits of such city concurrent with county courts, county courts at law and the justice courts of this state over all misdemeanors committed within the territorial limits of such

city, etc., and declaring an emergency."

The bill was read second time.

Senator Love sent up the following amendment:

Amend Senate Bill No. 64 by adding thereto Section 24-a, which reads as follows:

"That wherever the term 'County Judge or County Court' is used the same shall include and embrace the powers exercised by County Judges at law or County Courts at Law, in criminal cases, located in the same County, or any other County Court by whatever name exercising like or similar powers."

Also by amending Sec. 23 by striking out the following words: "or by ordinance duly enacted by the governing body of said city".

The amendment was read and adopted.

Senator Love sent up the following amendment:

Amend caption, as well as Section One, twenty-three and twenty-five of Bill No. 64, wherever the words appear "having a population of five thousand inhabitants or more", be changed to read as follows: "in cities having a population of one hundred thousand or more located in counties having a population of two hundred thousand and ten thousand or more".

The amendment was read and adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Love, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 64 was put on its third reading and final passage, by the following vote:

Yeas—28.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Bowers.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hall.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Moore.	Witt.
Neal.	Wood.
Parr.	Woodward.

Absent.

Greer.	Miller.
Hardin.	

The bill was read third time and passed finally, by the following vote:

Yeas—22.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Floyd.	Real.
Hall.	Reid.
Holbrook.	Smith.
Lewis.	Triplett.
Love.	Ward.
McFarlane.	Westbrook.
Moore.	Wood.
Neal.	Woodward.

Absent.

Bowers.	Russek.
Fairchild.	Stuart.
Greer.	Wirtz.
Hardin.	Witt.
Miller.	

House Bill No. 124.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 124 was put on its third reading and final passage, by the following vote:

Yeas—29.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Bowers.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hall.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Neal.	Woodward.
Parr.	

Absent.

Greer.	Hardin.
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H. B. No. 124, A bill to be entitled "An Act creating Cameron County Water Control and Improvement District Number Six, of Cameron County, Texas, defining boundaries, and which district embraces the same territory included within Cameron

County Water Improvement District Number Six; etc., and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 124 was put on its third reading and final passage, by the following vote:

Yeas—28.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Smith.
Hall.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Moore.	Witt.
Miller.	Wood.
Neal.	Woodward.

Absent.

Greer.	Russek.
Hardin.	

The bill was read third time and passed finally, by the following vote:

Yeas—27.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Fairchild.	Reid.
Floyd.	Smith.
Hall.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Neal.	Woodward.
Parr.	

Absent.

Bowers.	Hardin.
Greer.	Russek.

House Bill No. 125.

The bill was read second time and passed to engrossment.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 125 was put on its third reading and final passage, by the following vote:

Yeas—27.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Bowers.	Reid.
Fairchild.	Smith.
Floyd.	Stuart.
Hall.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Moore.	Wood.
Neal.	Woodward.
Parr.	

Absent.

Greer.	Miller.
Hardin.	Russek.

H. B. No. 125, A bill to be entitled "An Act creating Cameron County Water Control and Improvement District Number Seven, of Cameron County, Texas, defining its boundaries, and which District embraces the same territory included within Cameron County Water Improvement District Number Seven; etc., and declaring an emergency."

The bill was read second time.

The Senate rule was suspended, and the committee report adopted.

The bill was passed to third reading.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 125 was put on its third reading and final passage, by the following vote:

Yeas—29.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Bowers.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hall.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Neal.	Woodward.
Parr.	

Absent.

Greer.	Hardin.
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The bill was read third time and passed finally, by the following vote:

Yeas—29.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Bowers.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hall.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Neal.	Woodward.
Parr.	

Absent.

Greer

Hardin.

House Bill No. 126.

The bill was read second time and passed to engrossment.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 126 was put on its third reading and final passage, by the following vote:

Yeas—28.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Bowers.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hall.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Moore.	Witt.
Neal.	Wood.
Parr.	Woodward.

Absent.

Greer

Miller.

Hardin.

H. B. No. 126, A bill to be entitled "An Act creating Cameron County Water Control and Improvement District Number Five, of Cameron County, Texas, defining its boundaries, and which district embraces the same territory included within Cameron County Water Improvement District Number Five; etc., and declaring an emergency."

The bill was read second time.

The Senate rule was suspended.

The committee report was adopted.

The bill was passed to third reading.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 126 was put on its third reading and final passage, by the following vote:

Yeas—30.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Neal.	Woodward.

Absent.

Greer

The bill was read third time and passed finally, by the following vote:

Yeas—30.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Neal.	Woodward.

Absent.

Greer.

Senate Bill No. 102.

Senator Floyd moved to take up the following bill:

S. B. No. 102, A bill to be entitled "An Act to amend Article 1645 of the Revised Civil Statutes of Texas by providing for a minimum salary to be paid county auditors in counties with a population not less than

35,000, nor more than 37,500, inhabitants; and declaring an emergency."

The bill was read second time.

House Bill No. 123.

The Chair laid before the Senate under the Joint Rules, H. B. No. 123, on the same subject as S. B. No. 102.

H. B. No. 123, A bill to be entitled "An Act to amend Article 1645 of the Revised Civil Statutes of Texas by providing for a minimum salary to be paid county auditors in counties with a population not less than 35,000 nor more than 37,500, inhabitants, and declaring an emergency."

On motion of Senator Floyd, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 123 was put on its second reading and final passage, by the following vote:

Yeas—28.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Witt.
Moore.	Wood.
Neal.	Woodward.

Absent.

Greer	Wirtz.
Miller.	

The bill was read second time.

The Senate rule was suspended, and the committee report adopted.

The bill was passed to third reading.

On motion of Senator Floyd, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 123 was put on its third reading and final passage, by the following vote:

Yeas—29.

Bailey.	Floyd.
Berkeley.	Hall.
Bledsoe.	Hardin.
Bowers.	Holbrook.
Fairchild.	Lewis.

Love.	Russek.
McFarlane.	Smith.
Miller.	Stuart.
Moore.	Triplett.
Neal.	Ward.
Parr.	Westbrook.
Pollard.	Witt.
Price.	Wood.
Real.	Woodward.
Reid.	

Absent.

Greer	Wirtz.
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The bill was read third time and passed finally, by the following vote:

Yeas—29.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

Absent.

Greer	Wirtz.
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Senate Bill No. 118.

Senator Holbrook moved to take up the following bill:

S. B. No. 118, A bill to be entitled "An Act repealing Article 2538, Revised Civil Statutes of 1925, providing for the investment of State funds in Government bonds; repealing Articles 2539, 2540, 2541, 2542, and 2543, creating and providing for the functioning of a rate making board; etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 118 was put on its third reading and final passage, by the following vote:

Yeas—27.

Bailey.	Fairchild.
Berkeley.	Floyd.
Bledsoe.	Hall.
Bowers.	Holbrook.

Lewis.	Russek.
Love.	Smith.
McFarlane.	Stuart.
Moore.	Triplett.
Neal.	Ward.
Parr.	Westbrook.
Pollard.	Witt.
Price.	Wood.
Real.	Woodward.
Reid.	

Absent.

Greer	Miller.
Hardin.	Wirtz.

The bill was read third time and passed finally, by the following vote:

Yeas—28.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Hall.	Smith.
Holbrook.	Stuart.
Lewis.	Triplett.
Love.	Ward.
McFarlane.	Westbrook.
Miller.	Witt.
Moore.	Wood.
Neal.	Woodward.

Absent.

Greer	Wirtz.
Hardin.	

Senate Bill No. 103.

Senator Fairchild moved to take up the following bill:

S. B. No. 103, A bill to be entitled "An Act to promote the public welfare and protect the public health by enacting provisions of law designed to prevent the dumping or placing of trash, refuse, debris, garbage or the carcass or part of carcass of any dead animal within three hundred feet of any public road or highway in this State; prescribing penalties for violation of this Act; and enacting all things necessary and incidental to accomplish the purpose of this Act; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Fairchild, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 103 was put on its third reading and final passage, by the following vote:

Yeas—27.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Hall.	Smith.
Holbrook.	Stuart.
Lewis.	Triplett.
Love.	Ward.
McFarlane.	Westbrook.
Miller.	Witt.
Moore.	Wood.
Neal.	Woodward.
Parr.	

Absent.

Bowers.	Hardin.
Greer.	Wirtz.

The bill was read third time and passed finally, by the following vote:

Yeas—27.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Hall.	Smith.
Holbrook.	Stuart.
Lewis.	Triplett.
Love.	Ward.
McFarlane.	Westbrook.
Miller.	Witt.
Moore.	Wood.
Neal.	Woodward.
Parr.	

Absent.

Bowers.	Hardin.
Greer	Wirtz.

Senate Bill No. 116.

Senator Moore moved to take up the following bill:

S. B. No. 116, A bill to be entitled "An Act granting aid to the Independent School District of the City of Nevada in Collin County, Texas, made necessary by the reason of the recent cyclone in said city and community on the 9th day of May, 1927, which caused great destruction to the property of said school district, and loss of life; etc., and declaring an emergency."

The bill was read second time.

Senator Moore sent up the following amendment:

Amend S. B. No. 116, Section 5; line 29, of the original bill, by striking out the figures "52" and insert-

ing in lieu thereof the figures "51".

The amendment was read and adopted.

The bill was passed to engrossment.

On motion of Senator Moore, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 116 was put on its third reading and final passage, by the following vote:

Yeas—25.

Berkeley.	Pollard.
Bledsoe.	Price.
Fairchild.	Real.
Floyd.	Reid.
Hall.	Russek.
Holbrook.	Smith.
Lewis.	Stuart.
Love.	Triplett.
McFarlane.	Ward.
Miller.	Westbrook.
Moore.	Wood.
Neal.	Woodward.
Parr.	

Absent.

Bailey.	Hardin.
Bowers.	Wirtz.
Greer.	Witt.

The bill was read third time and passed finally, by the following vote:

Yeas—21.

Berkeley.	Real.
Floyd.	Reid.
Hall.	Russek.
Holbrook.	Smith.
Lewis.	Stuart.
Love.	Triplett.
McFarlane.	Ward.
Moore.	Westbrook.
Neal.	Wood.
Parr.	Woodward.
Pollard.	

Absent.

Bailey.	Hardin.
Bledsoe.	Miller.
Bowers.	Price.
Fairchild.	Wirtz.
Greer.	Witt.

Senate Bill No. 50.

Senator Pollard sent up the following amendment:

S. B. No. 50, A bill to be entitled "An Act to provide for the collection of delinquent taxes in independent school districts where the local ad valorem tax is assessed and col-

lected locally by or under the direction of the Trustees of such district, and to repeal all laws and parts of laws in conflict herewith."

The bill was read second time and passed to engrossment.

House Bill No. 114.

Senator McFarlane moved to take up the following bill:

H. B. No. 114, A bill to be entitled "An Act amending Section Eight of Chapter 177 of the General Laws of the Regular Session of the Thirty-ninth Legislature, as amended by Senate Bill No. 56, same being Chapter 35, of the General Laws of the Regular Session of the Fortieth Legislature, (Which said Section 8, as amended by said Senate Bill No. 56, being Chapter 35, of the General Laws of the Regular Session of the Fortieth Legislature, makes it unlawful for any person to kill, take or have in his possession for barter or sale within a period of ten years of the passage of this Act, any wild beaver, wild otter, or wild fox or the pelts thereof; etc., and declaring an emergency."

The bill was read second time.

The committee report was adopted.

Senator McFarlane sent up the following amendment:

Amend H. B. No. 114 by adding after section one the following:

"Provided that in Young County it shall be unlawful for any person to kill, take or have in his possession for barter or sale within a period of ten years after the passage of this Act any wild beaver, wild otter or wild fox or the pelts thereof."

The amendment was read and adopted.

The bill was passed to engrossment.

On motion of Senator McFarlane, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 114 was put on its third reading and final passage, by the following vote:

Yeas—25.

Bailey.	Holbrook.
Berkeley.	Lewis.
Bledsoe.	Love.
Fairchild.	McFarlane.
Floyd.	Moore.
Hall.	Neal.

Parr.	Stuart.
Pollard.	Triplett.
Price.	Ward.
Real.	Westbrook.
Reid.	Wood.
Russek.	Woodward.
Smith.	

Absent.

Bowers.	Miller.
Greer.	Wirtz.
Hardin.	Witt.

The bill was read third time and passed finally.

House Bill No. 103.

Senator Reid moved to take up the following bill:

H. B. No. 103, A bill to be entitled "An Act amending Articles 1595 and 1600 of the Revised Civil Statutes of 1925 so as to permit in counties having a population of not less than 1300 nor more than 1400 according to the last U. S. Census, the removal, by a majority vote, of the county seat from any point in the county located more than five miles from the geographical center of the county to another point more than five miles from said geographical center of the county; enacting the necessary provisions in amending said Articles necessary or incidental to said subject and purpose; and declaring an emergency."

The bill was read second time, the committee report was adopted, and the bill passed to engrossment.

On motion of Senator Reid, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 103 was put on its third reading and final passage, by the following vote:

Yeas—28.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Hall.	Smith.
Holbrook.	Stuart.
Lewis.	Triplett.
Love.	Ward.
McFarlane.	Westbrook.
Miller.	Wirtz.
Moore.	Witt.
Neal.	Wood.
Parr.	Woodward.

Absent.

Bowers.	Hardin.
Greer	

The bill was read third time and passed finally, by the following vote:

Yeas—24.

Berkeley.	Real.
Hall.	Reid.
Holbrook.	Russek.
Lewis.	Smith.
Love.	Stuart.
McFarlane.	Triplett.
Miller.	Ward.
Moore.	Westbrook.
Neal.	Wirtz.
Parr.	Witt.
Pollard.	Wood.
Price.	Woodward.

Nays—1.

Bailey.

Absent.

Bledsoe.	Floyd.
Bowers.	Greer
Fairchild.	Hardin.

Senate Bill No. 121.

Senator Smith moved to take up the following bill:

S. B. No. 121, A bill to be entitled "An Act making provision for a district attorney in the 90th Judicial District of Texas as an assistant district attorney in said district; providing that such district attorney shall receive such salary as now or hereafter provided by law for district attorney in districts containing two or more counties; enacting the necessary provisions in reference to an assistant district attorney for said district and his compensation; making provision for all other things necessary and incidental to the main purpose of this Act; and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Fairchild, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 121 was put on its third reading and final passage, by the following vote:

Yeas—30.

Berkeley.	Fairchild.
Bledsoe.	Floyd.
Bowers.	Greer

Hall.	Real.
Hardin.	Reid.
Holbrook.	Russek.
Lewis.	Smith.
Love.	Stuart.
McFarlane.	Triplett.
Miller.	Ward.
Moore.	Westbrook.
Neal.	Wirtz.
Parr.	Witt.
Pollard.	Wood.
Price.	Woodward.

Present—Not voting.

Bailey.

The bill was read third time and passed finally, by the following vote:

Yeas—27.

Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Fairchild.	Real.
Floyd.	Reid.
Hall.	Russek.
Hardin.	Smith.
Holbrook.	Stuart.
Lewis.	Triplett.
Love.	Ward.
McFarlane.	Westbrook.
Miller.	Wood.
Moore.	Woodward.
Neal.	

Present—Not voting.

Bailey.

Absent.

Greer	Witt.
Wirtz.	

Senate Bill No. 60.

Senator Lewis moved to take up the following bill:

S. B. No. 60, A bill to be entitled "An Act to amend Article 3137 of Chapter 13 of Title 50, of the Revised Civil Statutes of Texas, adopted at the regular session of the 39th Legislature of said State in the year A. D. 1925."

The bill was read second time.

Senator Lewis sent up the substitute bill which was ordered not printed.

The substitute was adopted.

The bill was passed to engrossment.

Message From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House, with the following message:

Hall of the House of Representatives,
Austin, Texas, June 3, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 91, A bill to be entitled "An Act to authorize the formation of defined road districts comprising two or more counties; authorizing said districts by a two-thirds vote of the voters in each county to issue bonds or pledge the credit to levy taxes for the 'construction, maintenance and operation of macadamized, graveled or paved roads, or in aid thereof'; providing the method of calling such election; providing for hearings upon the proposition to create such districts; providing the method for organizing such district; providing the manner in which the roads of such districts may be laid out; providing and determining the form of administration of such districts; providing for the letting of contracts; prescribing the details of administrative control in the operation of the districts, and declaring an emergency."

Respectfully submitted,

M. LOUISE SNOW,

Chief Clerk, House of Representatives.

House Bill No. 131.

Senator Hall moved to take up the following bill:

H. B. No. 131, A bill to be entitled "An Act creating and establishing the Harris County Houston Ship Channel Navigation District of Harris county, Texas, under Article 3, Section 52, of the Constitution of the State of Texas, for the purpose of development of deep water navigation, the improvement of rivers, bays, creeks, streams or canals within or adjacent to such district, with the power and authority to acquire, purchase, take over, construct, maintain, operate, develop and regulate wharves, docks, warehouses, grain elevators, bunkering facilities, belt railroads, floating plants, lighterage, lands, towing facilities and all other facilities or aids incident to or necessary to the operation or development of ports or waterways within the district and extending to the Gulf of Mexico, provided in Chapter 9, Revised Statutes, 1925; describing said district by metes and bounds;

Smith. Westbrock.
Triplett. Wood.

Nays—6.

Berkeley. Wirtz.
Moore. Witt.
Pollard.

Absent.

Bowers. Stuart.
Neal. Ward.
Price. Woodward.

Absent—Excused.

Parr. Russek.

Recess.

On motion of Senator Hall, the Senate at 12 o'clock, recessed until 2 o'clock p. m.

After Recess.

The Senate was called to order, pursuant to recess, at 2 o'clock p. m., by Senator Pollard, President Pro Tem.

Message From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, May 16, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 7, A bill to be entitled "An Act to appropriate two million dollars, or so much thereof as may be necessary, out of the general revenue not otherwise appropriated, to supplement the State available school fund derived from all other sources for the support and maintenance of the public free schools of the State of Texas; for the scholastic year beginning September 1, 1927, and ending August 31, 1928, and three million four hundred eighty thousand dollars to be appropriated for the same purpose for the scholastic year beginning September 1, 1928, and ending August 31, 1929, to enable the State Board of Education to declare a per capita apportionment of the State available school fund of fifteen dollars for each scholastic year of the biennium, 1927-1929; providing that for the year beginning September 1, 1927, and ending August 31, 1928,

the Comptroller is directed to transfer one million dollars, or so much thereof as may be necessary, on the first day of April, 1928, and one million dollars, or so much thereof as may be necessary, on the first day of July, 1928; and providing further, that the Comptroller is directed to transfer one million seven hundred forty thousand dollars, or so much thereof as may be necessary, on the first day of April, 1929, and one million seven hundred forty thousand dollars, or so much thereof as may be necessary, on the first day of July, 1929, and place it to the credit of the available school fund to carry out the provisions of this Act, and declaring an emergency."

Respectfully submitted,

M. LOUISE SNOW,

Chief Clerk, House of Representatives.

Senate Bill No. 4.

The question recurred upon S. B. No. 4.

Senator Moore sent up the following amendment:

Amend S. B. No. 4, page 25, by striking out lines 14 and 15.

Senator Wood moved to table the amendment.

The motion prevailed by the following vote:

Yeas—12.

Bledsoe.	Real.
Greer.	Reid.
Lewis.	Smith.
McFarlane.	Ward.
Neal.	Westbrook.
Price.	Wood.

Nays—11.

Bailey.	Moore.
Berkeley.	Pollard.
Fairchild.	Triplett.
Hardin.	Wirtz.
Holbrook.	Witt.
Miller.	

Present—not Voting.

Floyd.

Absent.

Bowers.	Love.
Hall.	

Absent—Excused.

Parr.	Stuart.
Russek.	Woodward.

Senator Wirtz sent up the following amendment:

ing inspector; keeps a record of the builders' liens recorded in the county clerk's office; and also keeps a card index file of all automobiles, busses and trucks, licensed and owned on January 1st of each year, showing owner of auto, owner's address, State highway license number, make and year model of auto, all of said information for the facilitating of the work in said assessor's office and for the more correctly assessing such classes of property and for the purpose of keeping a close check on same, etc., and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Real, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 107 was put on its third reading and final passage, by the following vote:

Yeas—31.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

The bill was read third time and passed finally, by the following vote:

Yeas—31.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

House Bill No. 101.

Senator Neal moved to take up the following bill:

H. B. No. 101, A bill to be entitled "An Act to amend Chapter 193 of the General Laws of the Regular Session of the Fortieth Legislature, to permit the using of seines for the purpose of catching minnows for bait in the public fresh waters of Marion, Harrison, Smith and Rusk counties, State of Texas, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Neal, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 101 was put on its third reading and final passage, by the following vote:

Yeas—31.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

The bill was read third time and passed finally.

Yeas—31.

Berkeley.	Neal.
Bledsoe.	Parr.
Bowers.	Pollard.
Fairchild.	Price.
Floyd.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wood.
Miller.	

Present—Not voting.

Bailey.

Absent.

Moore.
Real.
Wirtz.

Witt.
Woodward.

House Bill Referred.

After its caption was read, the Chair referred the following bill:

H. B. No. 91, was referred to Committee on Highways and Motor Vehicles.

House Bill No. 133.

Senator Floyd moved to take up H. B. No. 133.

H. B. No. 133, A bill to be entitled "An Act to repeal Chapter 612 of the Special Laws of the State of Texas, passed by the Thirty-ninth Legislature at its First Called Session, which created the Honey Grove Independent School District in Fannin County, defined its boundaries, etc., and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Floyd, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 133 was put on its third reading and final passage, by the following vote:

Yeas—31.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

The bill was read third time and passed finally, by the following vote:

Yeas—31.

Bailey.	Miller.
Berkeley.	Moore.
Bledsoe.	Neal.
Bowers.	Parr.
Fairchild.	Pollard.
Floyd.	Price.
Greer.	Real.
Hall.	Reid.
Hardin.	Russek.
Holbrook.	Smith.
Lewis.	Stuart.
Love.	Triplett.
McFarlane.	Ward.

Westbrook.
Wirtz.
Witt.

Wood.
Woodward.

House Bill No. 115.

Senator Fairchild moved to take up the following bill:

H. B. No. 115, A bill to be entitled "An Act relating to the duties of the county board of education of the counties with an area of more than eleven hundred square miles and a population of less than forty thousand and not more than 100,000 according to the 1920 Federal census authorizing the appointment of a county superintendent of public instruction, and his assistants providing supervision, authorizing the nomination of teachers by the county superintendent subject to the confirmation by local trustees, authorizing the purchase of supplies by the district trustees, subject to the confirmation of the county superintendent providing for an equalization fund, repealing all laws or parts of laws general or special in conflict herewith, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Fairchild, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 115 was put on its third reading and final passage, by the following vote:

Yeas—29.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Neal.	Woodward.

Nays—1.

McFarlane.

The bill was read third time and passed finally.

Senate Bill No. 77.

Senator Stuart moved to take up the following bill:

S. B. No. 77, A bill to be entitled "An Act to amend Section 3, Chapter 25 of the Acts of the 39th Legislature of the State of Texas, Regular Session by providing for the control of waters by any mechanical means; and to amend Section 4, Chapter 25 of the Acts of the 39th Legislature of the State of Texas, by providing that the land composing water control and improvement districts may consist of separate bodies of land, separated by land not embraced in said district, etc., and declaring an emergency."

The bill was read and laid on the table subject to call.

Senate Bill No. 68.

Senator Love moved to take up the following bill:

S. B. No. 68, A bill to be entitled "An Act to authorize incorporated cities, towns, and villages incorporated under either general or special law, including those under a special charter or amendment of charter adopted pursuant to the Home Rule provisions of the constitution to cause to be improved, streets, avenues, alleys, highways, boulevards, drives, public places, squares, etc., and declaring an emergency."

The bill was read second time.

Motion to Adjourn.

The motion of Senator Bailey to adjourn until 10:00 tomorrow morning developed no quorum by the following vote:

Yeas—5.

Bailey.	McFarlane.
Fairchild.	Neal.
Hardin.	

Nays—14.

Berkeley.	Miller.
Floyd.	Parr.
Greer.	Pollard.
Hall.	Real.
Holbrook.	Reid.
Lewis.	Stuart.
Love.	Triplett.

Absent.

Bledsoe.	Ward.
Bowers.	Westbrook.
Moore.	Wirtz.
Price.	Witt.
Russek.	Wood.
Smith.	Woodward.

Adjournment.

The Senate, at 10:35 p. m., on the motion of Senator Holbrook, adjourned until tomorrow morning (Saturday) at 9:00 o'clock a. m.

APPENDIX.

Petitions and Memorials.

Senator Witt sent up the following petition:

Austin, Texas, June 3, 1927.

To the Legislature of the State of Texas:

Comes now the following named persons, to-wit: Manuel Martinez del Rio in his own right and as Executor of Manuel Martinez del Rio, dead, Amelia de Martinez del Rio, Amelia Martinez del Rio, Angelo Martinez del Rio, Barbara Vincent de Martinez del Rio, Pablo Martinez del Rio, Jaime Martinez del Rio, Carlos Martinez del Rio, Mercedes del Rio de Cervantez and husband Jarvin de Cervantes, Ventura Martinez del Rio, Jose Pablo del Rio, Eustaquio Martinez del Rio, in his own right and as Executor of the Estate of Ventura Martinez del Rio, Maria Gilgan de Martinez del Rio and Julia Martinez del Rio, represent themselves as the sole surviving heirs at law of Jose Pablo del Rio and Gregorie Jose del Rio brothers, deceased, through their attorney, and request the Legislature for permission to sue the State of Texas for the value of eleven leagues of land situated in the Counties of Hill and McLennan on the waters of the Brazos, and contained within the boundaries of the Joaquin Moreno grant issued by the Republic of Mexico about — day of February, 1834, which eleven leagues were thereafter appropriated by the State of Texas to its own use and benefit.

SAM R. SCOTT,

Attorney in fact for the Heirs.

The petition was read and referred to the Committee on State Affairs.

Austin, Texas, June 2, 1927.

To the Honorable Senate of Texas:

Receipt is acknowledged of Senate Simple Resolution No. 25, requesting the Board of Control and Highway Commission of Texas to make an estimate of the approximate cost of a cement plant together with an estimate of the actual price at

which cement could be furnished to the State for Highway construction, as well as the feasibility of a State owned cement plant and the location therefor, I beg leave to advise that the Highway Commission will be pleased to comply with the terms of this resolution at the earliest possible moment.

RUTH MIMS,
Secretary,
State Highway Commission.

To the Honorable Senate of Texas:

This acknowledges receipt of Simple Resolution No. 18, adopted by the Senate May 24, 1927, and received by the Highway Commission May 28, 1927, which resolution, after reciting an item appearing in the daily press to the effect that inspectors of the Highway Department employed in recovering various articles of road machinery belonging to the Department, have completed their work, resulting in many valuable pieces of road machinery being recovered, and that the abuse of this machinery and the manner of its use would probably call for prosecution in some instances, calls upon the Department to furnish the Senate "With the names of the employes who recovered this property and the division engineers in whose possession it was during the time above mentioned, and the amount and value of the machinery recovered in order that the general public may be fully advised as to the conditions mentioned in the press of the State."

The statement referred to is erroneous wherein it states that these inspectors have completed their work. The request for information as drawn in the resolution, calls only for the names of employes who recovered the property, the division engineers in whose possession it was during the time mentioned, and the amount and value of the machinery recovered, and the Commission does not feel at liberty, on its own motion, to submit the circumstances under which parties from whom such equipment was recovered came into possession thereof, or the circumstances of its recovery, or other pertinent facts which the Commission thinks would be of importance and interest to the general public.

The main purpose of the Commission in having this investigation

made was to determine what equipment is available for use on the highways, and to reduce the same to possession, and to ascertain what equipment has been lost, removed or is not accounted for.

It is of importance that an invoice of available equipment be made as the basis of equipment accounting, as well as to ascertain the needs of the Department for additional equipment, and to determine the matter of responsibility for such equipment as cannot be found or recovered. The Commission will be glad to furnish the Senate with the facts and circumstances under which equipment has been recovered and other pertinent facts, when requested to do so.

Highway Equipment may be arranged in three groups:

First: Equipment which is in possession of the Department and available to use upon highways of the state;

Second: Equipment delivered to counties, municipal governments and state institutions under lease contracts, which has not been returned to the Department nor accounted for as unserviceable. This equipment consisted largely of that allotted to the Highway Department by the Federal Government under lease contracts, and, in turn, delivered over to the counties and cities by the Department under lease contracts.

Third: Equipment delivered to persons, firms or corporations having contracts for maintenance of the highways under lease agreements which provided that such equipment should be kept in reasonable repair and returned to the Department.

As to the first group: The Division Engineers have been directed to report all equipment in their districts received by them from their predecessors.

As to the second group: The equipment allotted to the Highway Department by the Federal Government under lease contracts stands charged to the Department, and the Department can relieve itself of this charge only by returning such equipment as is not suitable for highway purposes, or such equipment as is not needed for highway purposes, or such equipment as may have become unserviceable through use. According to the opinion of the Attorney

General of the United States equipment allotted to Highway Departments under these lease contracts, can not be sold or disposed of without accounting for the proceeds thereof to the Federal Government.

Investigation by the Department shows that much of this equipment which was allotted to counties, cities and institutions is not now in the possession of such officials; that much of the same has been abandoned and is not now in serviceable condition, is scattered and in places in the hands of private persons or concerns. For example: Five trucks, turned over to a certain county and still charged to that county, are not, in fact, in service by the county, but were located by the Department inspectors at various places, four of them, when located, having no motors in them. In another county, it appears that the county, through its officials, purchased road equipment for its own use and traded in certain equipment belonging to the Highway Department at a valuation of several hundred dollars, and no record is to be found showing that this valuation has been accounted for to the Highway Department.

In another instance a number of trucks were gathered together by a subordinate road official as unserviceable or as junk and sold, in a lump, for something over \$700.00 to another highway employee, and no record is found in the Department as to what disposition was made of the proceeds of this sale. Several of these trucks, though sold as unserviceable or junk, have been recovered by the Department and some of them are now in use in the service of the Department.

The equipment thus turned over to counties, cities and institutions consisted of more than 500 trucks, graders and other road equipment consisting, in part, of Federal, Packard, White and other trucks of high types and value. Since this equipment stands charged to the Department on the books of the Federal Department, it is of vital importance that the same be located, and if rendered unserviceable by use, that the fact be established, if in the hands of outside parties, let it be recovered, and if the same has been disposed of by such counties, cities or institutions, that fact be ascertained. This

work of the Department, through its inspectors, is only fairly under way.

As to the third group: An enormous amount of road equipment was, in 1925 and 1926, turned over to persons, firms and corporations having contracts with the Department for the maintenance of State Highways in the various counties of the State. This equipment consisted of:

- 73 Power Maintainers.
- 8 Rollers.
- 73 Tractors.
- 185 Trucks.
- 144 Graders.
- 100 Trailers.
- 13,290 Miscellaneous parts of equipment.

as appears from the Department's records.

This equipment was delivered to contractors under lease agreements stipulating that the contractor would keep the same in reasonable repair and return the same to the Highway Department.

The records of the Department fail to disclose what, if any, of this equipment was returned to the Department by such contractors or that they complied with the stipulations of the lease contracts to keep the same in reasonable repair.

The Commission assumes that some portion of this equipment was, in fact, returned to the Department; and contractors will be given an opportunity to show what portion, if any, of the equipment turned over to them respectively was returned to the Department at the end of their maintenance contracts, and that they complied with the stipulations of the lease agreements to keep the same in reasonable repair. The Department will undertake to fix the responsibility for this equipment and when it shall have gathered all the facts and data available, if this equipment is in the hands of parties to whom it does not properly belong, suits will be instituted to recover it, in case it is not surrendered voluntarily, and if road contractors have not complied with their lease agreements to keep equipment delivered to them in reasonable repair and have not returned the same to the Department in such condition of repair, suits will be instituted accordingly. Investigation of the Department, through its inspectors, discloses that portions of this equipment has never been returned to the Department, and is now in the hands:

of third persons, some of whom refuse to deliver the same to the Department. This work of inspection is also only fairly under way and must, necessarily, be continued.

Herewith we are transmitting you a summary of the items of equipment which have been recovered and turned over to the Department, as the result of the work of its inspectors or employes, Messrs. Oberg, Childress and Cullum, together with an estimated value of such pieces of equipment, at the time of its recovery, and the divisions in which the same was found. Portions of this equipment was found in serviceable condition, some in need of reconditioning and repair, and some valuable only as salvage; for which reason it is not possible to give a statement of the value of the equipment so recovered item by item; but a fair estimate of the value of this equipment in the condition in which it was found may be said to be \$20,000.00.

Other equipment belonging to the Department and in the hands of outside parties has been located; some of this will be surrendered voluntarily and some probably will have to be recovered by process of law. The work of inspectors and investigation is still under way; and the Department will be pleased to advise the Senate of the result at any time requested.

Requests for 1927 license number plates from counties, cities and institutions were made to the Department for approximately 500 trucks, consisting principally of Packard, Nash, White and other trucks of high type and price, and more than 40 tractors, State owned equipment; from which it would appear that this equipment was still in service; but investigation shows, as hereinbefore stated, that much of this equipment is not in service but has been abandoned and in instances scattered and can not be located. This matter is also the subject of investigation carried on through the Department's inspectors to the end that this condition may be remedied.

Very respectfully,

CONE JOHNSON,
For the Commission.

June 2, 1927.

Condensed Statement of Equipment Recovered.

Items and Division in which recovered—

- 1 Truck—Fort Worth Division No. 2.
 - 2 Trucks—Fort Worth Division No. 2.
 - 1 Lot of Parts—Fort Worth Division No. 2.
 - 2 Trucks—Fort Worth Division No. 2.
 - 1 Truck—Fort Worth Division No. 2.
 - 1 Truck—Fort Worth Division No. 2.
 - 1 Lot of Parts—Fort Worth Division No. 2.
 - 1 Ford Coupe—Fort Worth Division No. 2.
 - 2 Trucks—Fort Worth Division No. 2.
 - 2 Tractors—Austin Division No. 14.
 - 1 Grader—Austin Division No. 14.
 - 1 Lot of Track and Pins for Tractors—Austin Division No. 14.
 - 1 Casing and Tube 35x5—Austin Division No. 14.
 - 1 Tractor—Tyler Division No. 10.
 - 3 Trucks—Wichita Falls Division No. 3.
 - 1 Truck—Wichita Falls Division No. 3.
 - 1 Tractor—Fort Worth Division No. 2.
 - 6 Ford Trucks—Austin Division No. 14.
 - 1 Lot of small equipment, supplies, tires and tubes—Austin Division No. 14.
 - 5 Ford dump bodies—Austin Division No. 14.
- Present total value—\$20,000.00.

Resolution.

Whereas, Heretofore, on June 1, 1927, the House by vote struck out the whole appropriation in House Bill No. 8 for the purpose of exterminating the pink boll worm, and said bill has now gone to the Senate, and that there is no appropriation now to exterminate the said pest, and,

Whereas, There are about seven counties in the State of Texas along the border of Mexico that are quarantined on account of the said pink boll worm, and as there is no sum appropriated to exterminate the same, it will naturally spread through the whole State of Texas and injure the cotton crop for the year 1927 and will probably cause a

quarantine to be raised against the whole State and thereby greatly damage the farming and agricultural interests of this State.

Whereas, We, the undersigned members of the House hereby recommend that the Senate retain its appropriation for the same in the Senate appropriation bill for the purpose of exterminating the said pink boll worm and that this resolution be passed and sent to the Senate for its action.

Respectfully submitted,

Parish, Justice, Faulk, Bateman, Olsen, Renfro, J. Kirkland, G. W. Ware, McGill, Dielman, Kayton, Stout, Webb, Stell, Pope, Rogers, McKean, Runge, Alexander, Kemble, McCombs, Petsch, Williams, Kincaid, Veatch, Daniel, Cummings, Jacks, Bobbitt, Pearce, Shirley, Smyth, Barron, Wallace, Loftin, Sanders, Hogg, Parrish, Young, Morse, Hefley, Hornaday, Williamson, Anderson, Wells, Holland, Harding, Shearer, Duvall, Pavlica, Harmon, Farror, Fly, Holder, Porter, Pool, Denman, Rawlins, Johnson, Beck, Smith, Boggs, Merritt, Van Zandt, Woodall, Rogers.

Telegrams.

Galveston, Texas, June 3, 1927.
Senator T. J. Holbrook,
Senate Chamber, Austin, Texas.

We understand the appropriation of thirty-six thousand dollars for pink boll worm control has been eliminated. Believing this action will prove detrimental to the cotton growers of the State as a whole as well as to the ports, we beg to request that you endeavor to have it restored.

W. L. MOODY AND CO.

Dallas, Texas, June 3, 1927.
Hon. Thomas B. Love,
Texas Senate, Austin, Texas.

In order to prevent serious damage to Texas and South, very essential that pink boll worm control appropriation of thirty-three thousand dollars be made. Please use your best efforts.

DALLAS COTTON EXCHANGE.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, June 3, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 75 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, June 3, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 76 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, June 3, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 78 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, June 3, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 63 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, June 3, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 108, A bill to be entitled "An Act validating the consolidation proceedings Rotan Independent School District and Cross Roads Common School District Number 29 of Fisher County and Hackberry Common School District Number 30 of Fisher County and a portion of Avelon Common School District Number 3 of Fisher County, including petitions, orders notices, elections, orders declaring result of elections and describing the boundaries of such consolidated district; expressly retaining in force Chapter 77, Local and Special Laws enacted

by the Thirty-ninth Legislature at its Regular Session in 1925, except to recognize that the boundaries have been extended by consolidation proceedings; validating election and election proceedings held on or about August 26, 1926, in such consolidated district, authorizing the issuance of \$15,000 schoolhouse bonds and levying a tax in payment thereof, including the petition, orders, notices, election, and election returns, and authorizing the board of trustees to complete the issuance and sale of such bonds; and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room.

Austin, Texas, June 3, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 115, A bill to be entitled "An Act relating to the duties of the county board of education of counties with an area of more than eleven hundred square miles and a population of less than forty thousand and not more than 100,000, according to the 1920 Federal census; authorizing the appointment of a county superintendent of public instruction, and his assistants; providing supervision, authorizing the nomination of teachers by the county superintendent subject to confirmation by local trustees, authorizing the purchase of supplies by the district trustees, subject to the confirmation of the county superintendent, providing for an equalization fund, repealing all laws or parts of laws General or Special in conflict herewith, and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room.

Austin, Texas, June 3, 1927.

Hon. Barry Miller, President of the Senate

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 117, A bill to be entitled "An Act to amend Article 2355 of the Revised Civil Statutes of the State of Texas, as adopted in 1925, so as to provide for filling vacancies in the office of county superintendent of public instruction."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room.

Austin, Texas, June 3, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 124, A bill to be entitled "An Act authorizing the Governor to proceed to collect, and do whatever he can towards collecting, from the United States Government or any department thereof any amount payable or which the United States Government is willing to pay or has provided --to pay to the State of Texas to reimburse it in whole or in part for expenditures said State has heretofore made to compensate owners of cotton and cotton land for destruction of cotton, or for enforced non-production of cotton, in the prevention, control and eradication of the pink boll worm; authorizing the Governor to perform this service and attend to this business with the United States Government through some person employed to assist in procuring said refund or payment from the United States Government, and authorizing the Governor to make an agreement to compensate such person out of the proceeds of such funds collected from or paid by the United States Government; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WOOD, Chairman.

Committee Room.

Austin, Texas, June 3, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 19, A bill to be entitled "An Act to create a more efficient road system for San Saba County, Texas, and making the commissioners of said county ex-officio road commissioner in their respective precincts and prescribing their duties as such, and providing for the compensation of road commissioners, defining the duties of the commissioners' court with reference to roads and bridges; providing for the appointment of overseers and defining their duties, and providing for compensation for certain labors; giving persons subject to road duty in San Saba County and persons summoned to work on the public roads of said county the right to be relieved from the discharge of such duty upon the payment of specific sums of money herein stipulated; and providing for the accounting for and the disposition to be made of the money so paid; limiting the purpose for which road and bridge funds shall be used; authorizing and providing for the working of county convicts upon the public roads, and providing for the payment of officers' fees; providing that delinquent poll tax payers shall be subject to three days' road duty; requiring the tax collector of San Saba County to furnish to the commissioners' court a list of all persons who fail to pay their poll tax; providing for the condemnation of any land needed for the widening, straightening, changing or draining of public roads; providing for the taking of timber, gravel, earth, stone or other material for the making or improving of public roads and bridges; requiring certain road and bridge work to be done by contract; authorizing and empowering the said San Saba County to issue bonds for the construction and maintenance of public roads and bridges within said county, and to provide for a tax to create a sinking fund to pay the same; providing that the Act shall control in San Saba County in all cases wherein it differs from or is inconsistent and conflicts with the general law on the subject of roads and bridges, and declaring an emergency."

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

FLOYD, Chairman.

Committee Room,
Austin, Texas, June 3, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We your Committee on Civil Jurisprudence, to whom was referred H. B. No. 129, A bill to be entitled "An Act to restore and confer upon the county court of Kerr County the Civil and Criminal Jurisdiction belonging to said court under the Constitution and General Statutes of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the district court of said county to said change; to fix the time of holding court, and to repeal all laws in conflict with this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

BAILEY, Chairman.

Committee Room,
Austin, Texas, June 3, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 86, A bill to be entitled "An Act creating a more efficient road system for Polk County Texas; vesting the commissioners' court with authority to lay out, drain, repair and maintain such system of roads, and make contracts therefor; purchase teams, tools and machinery therefor; to make payment therefor; giving said Court authority to procure and occupy lands and make payment therefor; providing for the acquisition of road building materials and make payment therefor; providing for compensation to be paid to the County Commissioners in Connection with their official duties; providing that the County Commissioners shall be ex-officio Road Commissioners of their respective precincts; providing that able-bodied men between the ages of twenty-one and forty-five years shall be liable for road duty and shall pay road tax each year therefor, and providing for the assessment and collection thereof; making it a misdemeanor to fail or refuse to pay such road tax, and fixing a penalty therefor; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Have had the same under con-

sideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

FLOYD, Chairman.

Committee Room,
Austin, Texas, June 3, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 122, A bill to be entitled "An Act amending Chapter 42, Local and Special Laws, Regular Session of the 37th Legislature of the State of Texas, entitled 'An Act to create a more efficient and better Road System for Brazos County, Texas, etc.,' to permit the issuance of refunding bonds for the purpose of funding or refunding indebtedness incurred for road and bridge purposes; and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

FLOYD, Chairman.

Committee Room,
Austin, Texas, June 3, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 87, A bill to be entitled "An Act amending Article 1434 of the Penal Code by providing for the transfer of the certified copy of the tax collector's receipt issuing a general dealer's distinguishing number in lieu of the tax collector's receipt for the license fee issued for the current year."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

WOODWARD, Chairman.

Committee Room,
Austin, Texas, June 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

H. B. No. 124, A bill to be entitled "An Act creating Cameron County

Water Control and Improvement District Number Six, of Cameron County, Texas, defining its boundaries, and which district embraces the same territory included within Cameron County Water Improvement District Number Six; providing that the management and control of the said Cameron County Water Control and Improvement District Number Six shall be by a board of five directors; providing that the said Cameron County Water Control and Improvement District Number Six, shall be a Conservation and Reclamation District, and shall be governed by the provisions of Section 59, Article 16, of the Constitution, and by the provisions of Chapter 25, of the General Laws passed by the Thirty-ninth Legislature, at its Regular Session, in 1925, relating to water control and improvement districts governed by said Section 59, Article 16, of the Constitution, except as herein otherwise provided, changing the name of such district from Cameron County Water Improvement District Number Six to Cameron County Water Control and Improvement District Number Six, and converting said improvement district into a water control and improvement district, without impairment of obligations; providing the title to all property and rights in property now owned by Cameron County Water Improvement District Number Six are vested in Cameron County Water Control and Improvement District Number Six, and that same shall be held and used under the provisions of Section 59, Article 16 of the State Constitution, and of Chapter 25 of the General Laws passed by the Thirty-ninth Legislature at its Regular Session, in 1925, as same now exist or may be hereafter amended; providing that the said Water Control and Improvement District shall assume and discharge all legal obligations, contracts and indebtedness legally created by Cameron County Water Improvement District Number Six; validating the bonds heretofore issued and sold by said Cameron County Water Improvement District Number Six; providing that it shall not be necessary for an election to confirm the organization of the District created by this Act; providing that proof of publica-

tion of constitutional notice required in the enactment of this Act has been duly made; enacting provisions incident and necessary to the subject and purpose of this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed in bill form or in the Journal.

BLEDSON, Chairman.

Committee Room,
Austin, Texas, June 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

H. B. No. 125, A bill to be entitled "An Act creating Cameron County Water Control and Improvement District Number Seven, of Cameron County, Texas, defining its boundaries, and which district embraces the same territory included within Cameron County Water Improvement District Number Seven; providing that the management and control of the said Cameron County Water Control and Improvement District Number Seven shall be by a board of five directors; providing that the said Cameron County Water Control and Improvement District Number Seven, shall be a conservation and reclamation district, and shall be governed by the provisions of Section 59, Article 16, of the Constitution, and by the provisions of Chapter 25, of the General Laws passed by the Thirty-ninth Legislature, at its Regular Session, in 1925, relating to water control and improvement districts governed by said Section 59, Article 16 of the Constitution, except as herein otherwise provided, changing the name of such district from Cameron County Water Improvement District Number Seven to Cameron County Water Control and Improvement District Number Seven, and converting said water improvement district into a water control and improvement district without impairment of obligations; providing the title to all property and rights in property now owned by Cameron County Water Improvement District Number Seven are vested in Cameron County Water Control and Improvement District Number Seven, and that same shall be held and used under the provisions of

Section 59, Article 16 of the State Constitution, and of Chapter 25 of the General Laws passed by the Thirty-ninth Legislature at its Regular Session, in 1925, as same now exist or may be hereafter amended; providing that the said water control and improvement district shall assume and discharge all legal obligations, contracts and indebtedness legally created by Cameron County Water Improvement District Number Seven; providing that it shall not be necessary for an election to confirm the organization of the district created by this Act; providing that proof of publication of constitutional notice required in the enactment of this Act has been duly made; enacting provisions incident and necessary to the subject and purpose of this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed in bill form or in the Journal.

BLEDSON, Chairman.

Committee Room,
Austin, Texas, June 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

H. B. No. 126, A bill to be entitled "An Act creating Cameron County Water Control and Improvement District Number Five, of Cameron County, Texas, defining its boundaries, and which district embraces the same territory included within Cameron County Water Improvement District Number Five; providing that the management and control of the said Cameron County Water Control and Improvement District Number Five shall be by a Board of Five Directors; providing that the said Cameron County Water Control and Improvement District Number Five shall be a Conservation and Reclamation District, and shall be governed by the provisions of Section 59, Article 16, of the Constitution, and by the provisions of Chapter 25, of the General Laws passed by the Thirty-ninth Legislature at its Regular Session, in 1925, relating to water control and improvement districts governed by said Section 59, Article 16, of the Constitution, except as herein otherwise provided;

changing the name of such district from Cameron County Water Improvement District Number Five to Cameron County Water Control and Improvement District Number Five, and converting said water improvement district into a water control and improvement district without impairment of obligation; providing the title to all property and rights in property now owned by Cameron County Water Improvement District Number Five are vested in Cameron County Water Control and Improvement District Number Five, and that same shall be held and used under the provisions of Section 59, Article 16, of the State Constitution, and of Chapter 25, of the General Laws passed by the Thirty-ninth Legislature, at its Regular Session, in 1925, as same now exist or may be hereafter amended; providing that the said water control and improvement district shall assume and discharge all legal obligations, contracts and indebtedness legally created by Cameron County Water Improvement District Number Five; validating the bonds heretofore issued and sold by said Cameron County Water Improvement District Number Five; providing that it shall not be necessary for an election to confirm the organization of the District created by this Act; providing that proof of publication of constitutional notice required in the enactment of this Act has been duly made; enacting provisions incident and necessary to the subject and purpose of this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed in bill form or in the Journal.

BLEDSON, Chairman.

Committee Room,

Austin, Texas, June 3, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 79, A bill to be entitled "An Act to amend Article 1728 of the Revised Civil Statutes of Texas as amended by Senate Bill No. 7, at the Regular Session of the Fortieth Legislature."

Have had the same under con-

sideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the following Committee Amendment, and be not printed, as S. B. No. 74, being the same bill, has been printed in the Journal.

Amend H. B. No. 79, by adding at the end of the caption "and declaring an emergency."

BAILEY, Chairman.

Committee Room,

Austin, Texas, June 3, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 123, A bill to be entitled "An Act to amend Article 1645 of the Revised Civil Statutes of Texas by providing for a minimum salary to be paid county auditors in counties with a population not less than 35,000 nor more than 37,500 inhabitants."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, June 3, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 101, A bill to be entitled "An Act to amend Chapter 193 of the General Laws of the Regular Session of the 40th Legislature, to permit the using of seines for the purpose of catching minnows for bait in the public fresh waters of Marion, Harrison, Smith and Rusk Counties, State of Texas; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that it being a local bill, it be not printed.

WIRTZ, Chairman.

(Floor Report.)

Senate Chamber,

Austin, Texas, June 3, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Penitentiaries, to whom was referred H. B. No. 61, A bill to be entitled

"An Act authorizing the sale of real estate belonging to the State Prison System and the making of oil and mineral leases thereon, and prescribing regulations, restrictions and directions relating thereto; authorizing executory contracts for the purchase of and to purchase necessary real estate or other fixed property and appurtenances belonging thereto for use of the prison system, and prescribing regulations, restrictions and directions relating thereto and relating to payment for such property, and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and that it be printed in the Journal.

Fairchild, Chairman; Floyd, Real, Smith, McFarlane, Neal, Ward, Russek.

By Teer.

H. B. No. 61.

A BILL

To Be Entitled

An Act authorizing the sale of real estate belonging to the State Prison System and the making of oil and mineral leases thereon, and prescribing regulations, restrictions and directions relating thereto; authorizing executory contracts for the purchase of and to purchase necessary real estate or other fixed property and appurtenances belonging thereto for use of the prison system, and prescribing regulations, restrictions and directions relating thereto and relating to payment for such property, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The State Prison Board shall have power to sell real estate belonging to the State Prison System, and to make oil and mineral leases thereon. In any sale of any real estate belonging to said prison system, the Texas Prison Board shall not convey the full fee simple title therein, but shall retain for the use and benefit of the prison system not less than an undivided one-half of the whole of the mineral estate in such real estate, and said board shall have the right to contract with relation to the portion of said mineral estate retained. In any lease conveying the mineral estate in any real property belong-

ing to said prison system, the Texas Prison Board shall retain a royalty of not less than one-eighth of its interest in said mineral estate. Provided, that the title to any land owned by the prison system in Fort Bend and Brazoria counties and what is known as the Eastham Farm in Houston county shall not be conveyed to any purchaser or purchasers until the sales price and terms are approved by the Legislature.

Sec. 2. The Texas Prison Board shall have the power to make executory contracts for the purchase of necessary real estate or other fixed property and appurtenances belonging thereto for use by the prison system, upon such terms as to it may seem most advantageous to the prison system. Provided, no contract for the purchase of real estate or other fixed property or appurtenances belonging thereto, shall be binding upon the Texas Prison Board, or enforceable until said contract has been submitted to and approved by the Legislature and until appropriations have been made by the Legislature from the State Treasury for the payment of such initial or cash payment as may be required in said purchase. The Texas Prison Board shall have power to execute notes for deferred payments, after the initial cash payments has been made, and it shall have power to make such notes payable in such sums and at such times as may be agreed upon between said board and the vendors of any real estate so purchased; provided, that no payment shall be deferred to such a time as to create a debt within the meaning of the Constitution of Texas, and all payments or deferred payments shall be made so as to be payable out of current revenues of the year for the biennium, collected or to be collected, so as not to constitute a debt in violation of the Constitution of this State. The title to all lands purchased by the board shall be examined, passed upon and approved as good and sufficient merchantable titles by the Attorney General. The title to all lands so purchased or held by the prison system shall vest in the Texas Prison Board and their successors in office, for the use and benefit of the State of Texas.

Sec. 2a. Provided, however, that no sale or lease of any of the prop-

erty now belonging to the Texas Prison System by said Prison Board shall take effect until same has been approved by the Governor of this State.

Sec. 3. The fact that the State Prison System is undergoing reorganization in its management, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended and that this Act take effect and be in force from and after its passage, and it is so enacted.

NINETEENTH DAY.

Senate Chamber,
Austin, Texas,
June 4, 1927.

The Senate met at 10:00 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

Committee on Alabama Indians.

The Chair announced the appoint-

ment of Mrs. Earl Caddell and Senator Ward as additions to the Committee to Investigate the status of the Alabama Indians.

Senate Bill No. 68.

The Chair laid before the Senate as pending business, the following bill:

S. B. No. 68, A bill to be entitled "An Act to authorize incorporated cities, towns, and villages incorporated under either general or special law, including those under a special charter or amendment of charter adopted pursuant to the Home Rule provisions of the constitution to cause to be improved, streets, avenues, alleys, highways, boulevards, drives, public places, squares, etc., and declaring an emergency."

The bill was passed to engrossment.

On motion of Senator Love, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 68 was put on its third reading and final passage, by the following vote:

Yeas—26.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Fairchild.	Real.
Floyd.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Wirtz.
McFarlane.	Wood.
Moore.	Woodward.

Absent.

Bowers.	Westbrook.
Miller.	Witt.
Price.	

The bill was read third time and passed finally, by the following vote:

Yeas—21.

Berkeley.	McFarlane.
Bledsoe.	Moore.
Fairchild.	Neal.
Floyd.	Parr.
Holbrook.	Pollard.
Lewis.	Real.
Love.	Reid.